



Tr.CMP.No.326 of 2023

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.04.2024

CORAM

THE HONOURABLE MR.JUSTICE V.LAKSHMINARAYANAN

Tr.CMP.No.326 of 2023

V.Nandhini Devi

.. Petitioner

Vs.

M.Jeyachandran

.. Respondent

Prayer : The Transfer Civil Miscellaneous Petition is filed under Section 24 of the Civil Procedure Code, to withdraw and transfer the G.W.O.P.No.105 of 2021 from the file of the Family Court at Theni to the file of the Sub Court at Tambaram, Chennai.

For Petitioner : Mr.V.Giri Shankar

For Respondent : Mr.J.Antony Jesus



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ORDER

The petitioner is the wife and the respondent is the husband. Divorce proceedings were initiated and the petitioner was successful in obtaining the decree of divorce. Subsequently, she was married to one S.Kirubagar.

2. The current proceedings pending relate to the custody of a minor child, who is studying at Hosur. The husband had initiated the proceedings before the Family Court at Theni. The wife has become pregnant post her second marriage and she is unable to travel from Chennai to Theni. Therefore, she seeks that the proceedings be transferred to the file of the Sub Court at Tambaram.

3. The husband is working at Theni and states that the child is at Hosur where he has been enjoying the visitation rights granted by the Court. He has received an intimation from the school that the child is studying at Hosur. I passed over the matter for the learned counsel to get instructions from his client.



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4. The learned counsel for the petitioner now concedes that the child is in Hosur and his client is willing to give visitation rights to the father incase he wants to travel to Hosur.

5. Taking into consideration the factum that the petitioner is now pregnant, and that it will be difficult for her to travel from Chennai to Theni, I am inclined to allow the application. I am not transferring the proceedings to the Sub Court at Tambaram but transferring the proceedings to the Family Court at Chengalpattu.

6. Therefore, the proceedings on the file of the Family Court at Theni is withdrawn and it shall stand transferred to the file of the Family Court at Chengalpattu to be disposed of in accordance with law. Pending disposal of the G.W.O.P, the husband shall enjoy the visitation rights at all reasonable times and the petitioner shall not prevent the respondent/husband from meeting the child at Hosur.

7. Accordingly, the Transfer Civil Miscellaneous Petition stands



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disposed of. No costs.

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Index: Yes/No

Speaking Order : Yes/No

Neutral Citation: Yes/No

To

1. The Family Court,
Theni

2. The Family Court,
Chengalpattu



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V. LAKSHMINARAYANAN, J.

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