



Tr.CM.P.Nos.347 & 349 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17.04.2024

CORAM:

**THE HONOURABLE MR.JUSTICE V.LAKSHMINARAYANAN**

Tr.C.M.P.Nos.347 & 349 of 2023

and

C.M.P.Nos.7718 & 7721 of 2023

M.Gayathri

.. Petitioner in both petitions

Vs.

T.Chandra Mohan

.. Respondent in both petitions

**Prayer:** These Transfer Civil Miscellaneous Petitions are filed under Section 24 of the Civil Procedure Code to withdraw H.M.O.P.Nos.383 & 368 of 2022 on the file of the Subordinate Court, Kancheerpuram and transfer for trail on the file of the Family Court, High Court Campus, Chennai.

|                                       |                        |
|---------------------------------------|------------------------|
| For Petitioner<br>(in both petitions) | : Mr.K.Rajendra Prasad |
| For Respondent<br>(in both petitions) | : Mr.Dayaleswaran      |



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## COMMON ORDER

These petitions have been filed to withdraw H.M.O.P.Nos.383 & 368 of 2022 on the file of the Subordinate Court, Kancheerpuram and transfer to the file of the Family Court, Chennai.

2. The petitioner is the wife. She has given her permanent address at Dindigul. She states that she is not residing in Dindigul now but has shifted her residence to Pallavaram, Chennai for the purpose of working at 'Ideas 2IT'.

3. Mr.K.Rajendra Prasad, the learned counsel for the petitioner submitted that today the petitioner has shifted out of Pallavaram and has moved to Alwarpet. Therefore, he would say that it is convenient for the wife to conduct the proceedings at the Family Court, Chennai.

4. The husband is also working in 'IT' Sector but at Siruseri which is within Kancheerpuram District. At the time of ordering transfer, I have to take into consideration the convenience of both parties while giving priority to the



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interest of the wife. Every time the wife shifts her address does not mean the Court should also shift. Parties carry their personal law with them but not the jurisdiction of the Court.

5. Furthermore, before the Subordinate Court, neither the wife nor the husband need to appear as they can be effectively represented by a counsel. Their appearance is necessary only at the time of trial. Taking into consideration of the overall circumstances, I am not inclined to accept the transfer petitions.

6. Accordingly, these Transfer Civil Miscellaneous Petitions are dismissed. No costs. Connected miscellaneous petitions are closed.

**17.04.2024**

Index : Yes / No  
Neutral Citation : Yes / No  
Speaking Order / Non-speaking order  
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**V.LAKSHMINARAYANAN, J.**

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To

1. The Subordinate Court, Kancheerpuram
2. The Family Court,  
High Court Campus, Chennai.

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