



Tr.C.M.P.No.416 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.07.2024

CORAM

THE HONOURABLE MR.JUSTICE M.NIRMAL KUMAR

Tr.C.M.P.No.416 of 2024
and C.M.P.No.8624 of 2024

Indumathi

... Petitioner

Vs.

N.Sivaraman

... Respondent

PRAYER: Transfer Civil Miscellaneous Petition filed under Section 24 of the Code of Civil Procedure, to withdraw and transfer H.M.O.P.No.76 of 2023 pending on the file of the learned Additional Sub Court, Tindivanam, Villupuram District to learned Principal Judge Family Court, Chennai.

For Petitioner : Mr.N.Sakthivel

For Respondent : Mr.C.V.Kumar



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ORDER

The petitioner/estranged wife of the respondent filed this transfer petition seeking transfer of H.M.O.P.No.76 of 2023 filed by the respondent for restitution of conjugal rights, from the file of the Additional Subordinate Court, Tindivanam to the file of the Principal Family Court, Chennai.

2.The learned counsel for the petitioner submitted that the marriage between petitioner and respondent took place in the year 2019 at Tindivanam. Out of their marriage, they blessed with a male baby S.Latheesh born on 06.06.2021. The petitioner is residing with her parents at Thiru.V.Ka Nagar, Chennai which is an admitted fact. The petitioner is the only person to take care of the child, hence, she cannot travel from Chennai to Tindivanam to attend Court proceedings in H.M.O.P.No.76 of 2023. He further submitted that the respondent is a practicing Advocate at Tindivanam Court and the petitioner is apprehensive of her safety and getting an Advocate at Tindivanam to represent before the Court since the Local Bar supports the respondent/Advocate.



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3.The learned counsel for the respondent submitted that the respondent has got no objection for transfer of H.M.O.P.No.76 of 2023 to the file of the Principal Family Court at Chennai. His only request is that the case may be transferred to the file of the V Additional Family Court at Chennai where the maintenance case filed by the petitioner is pending. He further submitted that the respondent filed I.A.No.33 of 2023 in H.M.O.P.No.76 of 2023 seeking visitation right to visit his minor son S.Latheesh on all Saturdays and Sundays of every English Calendar month from 09.00 a.m to 06.00 p.m. After getting order of visitation right, when the respondent attempted to visit his minor son, the petitioner objected and not allowed. The learned counsel for the petitioner objected the same stating that the time given is between 09.00 a.m and 06.00 p.m., but the respondent used to come late in evening hours and also bang the door and created scene attracting attention of neighbours which caused embarrassment. He further submits that if the case in H.M.O.P.No.76 of 2023 is transferred to the file of the Family Court at Chennai, the petitioner will bring the minor son in Child-Friendly Courtroom of the Family Court at Chennai and the respondent can visit his minor son and spend sometime



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between 11.00 a.m and 04.00 p.m. The learned counsel for the respondent agreed for such arrangement.

4.Considering the submissions and on perusal of the materials, it is seen that with great difficulty, the petitioner is attending the Court from Chennai to Tindivanm with his minor son. Added to it, the respondent being a practicing Advocate in Tindivanam, there was some objection.

5.In view of the above, this Court withdraws H.M.O.P.No.76 of 2023 from the file of the Principal Subordinate Court, Tindivanam and transfers the same to the file of the V Additional Family Court at Chennai.

6.The petitioner is directed to produce minor son S.Latheesh on all Saturdays of every English Calender month in the Child-Friendly Courtroom of Family Court at Chennai. The respondent can visit the child and spend time with his minor son S.Latheesh between 11.00 a.m to 04.00 p.m.



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WEB COPY 7.In the result, this transfer civil miscellaneous petition is allowed.

Consequently, connected civil miscellaneous petition is closed. No costs.

08.07.2024

Speaking Order/Non Speaking Order

Index : Yes/No

Internet : Yes

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To

1.The V Additional Family Court,
Chennai.

2.The Additional Sub Court,
Tindivanam.



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M.NIRMAL KUMAR, J.

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