



Tr.C.M.P.No.460 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.07.2024

CORAM:

THE HON'BLE MR.JUSTICE V.LAKSHMINARAYANAN

Tr.C.M.P.No.460 of 2023
and C.M.P.No.10414 of 2023

Arunapriyanka

... Petitioner

VS

G.Nandhakumar

... Respondent

Prayer: Transfer Civil Miscellaneous Petition is filed under Section 24 of the Civil Procedure Code, to withdraw the H.M.O.P.No.908 of 2021 pending on the file of the learned Subordinate Court, Alandur at Kanchipuram District and transfer the same to the learned Subordinate Court, Udumalpet at Tiruppur District.

For Petitioner : Mr.M.N.Balakrishnan

For Respondent : Mr.A.Sundaravadanam

ORDER

The petitioner is the wife. She seeks for transfer of the proceedings in H.M.O.P. No.908 of 2021 from the file of the Subordinate Court at Alandur to the file of the Subordinate Court at Udumalpet.



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2. The petitioner and respondent were married at G.V.Kalaiyarangam, Earipalayam, Udumalpet on 11.06.2017. Due to disputes and differences, the parties have separated on 30.08.2017. The wife pleads that she is residing with her parents at Udumalpet and is unable to travel the distance of 460 kms., from Udumalpet to attend the Subordinate Court at Alandur. She would therefore plead that the proceedings be withdrawn and transferred to the file of Subordinate Court, Udumalpet.

3. On service of the summons, the respondent/husband has engaged Mr.A.Sundaravadanam.

4. Mr.A.Sundaravadanam, would plead that the petitioner is a resident of Chennai and has suppressed the fact that previously a transfer petition was filed by the petitioner in Tr.C.M.P.No.76 of 2021 before this Court and the same was dismissed as withdrawn. He would state that the entire idea of moving the present transfer is to drag on the original proceedings, which today is at the stage of trial. He would plead to dismiss the transfer petition on the grounds of suppression, concealment and also for the petitioner having



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approached the Court with unclean hands.

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5. Heard Mr.M.N.Balakrishnan, learned counsel appearing for the petitioner and Mr.A.Sundaravadanam, learned counsel appearing for the respondent and perused the records.

6. The relationship between the parties is not in dispute. Though the respondent-husband has stated that the petitioner-wife is residing in Chennai, no evidence has been brought forth before this Court to substantiate the claim. The wife would plead that the distance between Udumalpet and Chennai is around 500 kms. In order for her to attend the Courts in Alandur, it would require her to take a over night train or atleast undergo some hardship to present herself before the Court.

7. Taking the over all circumstances into consideration, I am inclined to accept the transfer. Hence, the proceedings in H.M.O.P.No.908 of 2021 pending on the file of the Subordinate Court, Alandur is withdrawn and transferred to the file of the Subordinate Court, Udumalpet.



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8. The learned Subordinate Judge, Udumalpet will take notice of the fact that the husband had approached the Court for divorce in the year 2019 and is yet to see the end of trial. The learned Subordinate Judge, Udumalpet, will give the proceedings utmost priority and endeavor to dispose of the same at the earliest. The learned Judge will also note the fact that the present proceedings are more than 5 years old and will follow the administrative directions issued by this Court in this regard.

9. Accordingly, the Transfer Civil Miscellaneous Petition is allowed. No costs. Consequently, the connected civil miscellaneous petition is closed.

10.07.2024

Index : Yes / No
Speaking order : Yes / No
Neutral Citation : Yes / No
dm



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To

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- 1.The Subordinate Court,
Alandur, Kanchipuram District.
- 2.The Subordinate Court,
Udumalpet, Tiruppur District.



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V.LAKSHMINARAYANAN, J.

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