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Tr Cmp.No.425 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.02.2024

CORAM

THE HONOURABLE MR. JUSTICE V.SIVAGNANAM

Tr CMP.No.425 of 2023

and

CMP.No.9498 of 2023

J. Poornima

... Petitioner

Vs

R.R.Praveen Raja

... Respondent

PRAYER : This Transfer Civil Miscellaneous Petition has been filed under Section 24 of Civil Procedure Code to withdraw the FCOP No.100/2023 from the file of the Family Court, Vellore and transfer the same to the Sub Court, Poonamallee, Tiruvallur district.

For Petitioner ... Mr. K. Balasubramaniam

For Respondent ... No appearance

ORDER

This Transfer Civil Miscellaneous Petition has been filed to withdraw the FCOP No.100/2023 from the file of the Family Court, Vellore



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and transfer the same to the Sub Court, Poonamallee, Tiruvallur district.

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2. The petitioner is wife and the respondent is husband. The respondent herein has filed the above FCOP No.100/2023 for restitution of conjugal rights. The Petitioner being the wife of R.R.Praveen Raja, respondent herein, submits that their marriage was solemnised on 02.12.2021 as per Hindu Rites and Customs. In support of the prayer, learned counsel for the petitioner pleaded that the respondent and their family members humiliated the petitioner mentally and she was sent out of the matrimonial home by the respondent. Fearing that the petitioner would lodge a complaint against the respondent and their family members, the respondent had filed FCOP.No.100 of 2023 before the Family Court Vellore to show that as if he is ready to take the petitioner to the matrimonial home. Learned counsel appearing for the petitioner would further submit that as the petitioner has been living with her aged mother in Nolambur, Chennai, she finds it difficult to travel 140 Kilometres for each and every hearing to attend the case at Vellore and therefore, if the F.C.O.P.No.100 of 2023 is transferred to the Sub Court, Poonamallee, no prejudice will be caused to



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the respondent.

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3. As per the records maintained by the registry, notice was served on the respondent on 11.05.2023, but the respondent has not chosen to engage any counsel or appear before this Court.

4. In view of the submission made by the learned counsel for the petitioner and also considering the fact that the reason assigned by the petitioner is justifiable, this Court is inclined to transfer the case, as prayed for in the petition.

5. Accordingly, F.C.O.P.No.100/2023 is hereby directed to be withdrawn from the file of the Family Court, Vellore and transfer to the Sub Court, Poonamallee, Thiruvallur district. The Family Court, Vellore is directed to send the entire records to the Sub Court, Poonamallee, Thiruvallur district within a period of two weeks from the date of receipt of a copy of this order and on receiving the same, the learned Sub Court, Poonamallee, Thiruvallur district is directed to issue notice to both parties



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and thereafter, dispose of the case on merits as early as possible.

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6. With the above direction, the Transfer Civil Miscellaneous Petition is allowed. No costs. Consequently, the connected miscellaneous petition is closed.

Index : Yes/No
Internet : Yes/No
dpq

20.02.2024

To

- 1.The Family Court, Vellore.
- 2.The Sub Court, Poonamallee, Thiruvallur district.



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V. SIVAGNANAM, J.

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