



Tr.CMP No.438 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.03.2024

CORAM

THE HONOURABLE MR. JUSTICE **V.SIVAGNANAM**

Tr.CMP No.438 of 2023

and

Crl.M.P.No.9739 of 2023

S.Durairaj

... Petitioner

Vs.

P.Pavithra

...Respondent

PRAYER: Transfer Civil Miscellaneous Petition filed under Section 24 of Civil Procedure Code, 1908 to withdraw and transfer H.M.O.P.No.126 of 2020 from the file of Subordinate Court at Ponneri to the file of the III Additional Family Court at Chennai to be tried along with M.C.No.224 of 2022.

For Petitioner : Ms.P.Kavitha

For Respondent : Ms.K.Sridevi



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ORDER

This Transfer Civil Miscellaneous Petition has been filed to withdraw and transfer H.M.O.P.No.126 of 2020 from the file of Subordinate Court at Ponneri to the file of the III Additional Family Court at Chennai to be tried along with M.C.No.224 of 2022.

2. The petitioner is husband and the respondent is wife. The petitioner herein has filed the above H.M.O.P.No.126 of 2020 before the Sub Court, Ponneri to dissolve the marriage solemnized between him and the respondent. According to the petitioner, the divorce petition was filed by him and the respondent filed maintenance case in M.C.No.224 of 2022, before the III Additional Family Court, Chennai. Hence seeking prayer to transfer the HMOP.No. 126 of 2020 from the file of Sub Court, Ponneri to III Additional Family Court, Chennai for disposal simultaneously.

3. The learned counsel for the respondent has submitted that the respondent filed maintenance case in M.C.No.224 of 2022, before the III



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Additional Family Court, Chennai and in M.P.No.905 of 2022, the respondent was directed to pay a sum of Rs.8,000/- per month to the petitioner as interim maintenance. In order to evade paying the interim maintenance, the petitioner has filed this revision petition to transfer the divorce case HMOP.No.126 of 2020 to the III Additional Family Judge, Chennai.

4. In view of the submission made by the learned counsel for the respondent and also considering the fact that the reason assigned by the petitioner is justifiable, this Court is inclined to transfer the case to the III Additional Family Court, Chennai.

5. Accordingly, HMOP.No.126 of 2020 hereby directed to be withdrawn from the file of the Sub Court, Ponneri and transferred to the III Additional Family Court, Chennai. The Judge, Sub Court, Ponneri is directed to send the entire records to the III Additional Family Court, Chennai within a period of two weeks from the date of receipt of a copy of



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V.SIVAGNANAM, J.,

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this order and on receiving the same, the learned Judge, III Additional Family Court, Chennai is directed to issue notice to both parties and thereafter, dispose of the case on merits as early as possible.

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

04.03.2024

Index: Yes/No

Internet: Yes/No

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To

1. The Subordinate Court, Ponneri.

2.The III Additional Family Court, Chennai

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