



Tr. C.M.P.No.694 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.11.2024

CORAM

THE HON'BLE MR.JUSTICE **V.LAKSHMINARAYANAN**

Tr. C.M.P.No.694 of 2024

and

C.M.P.No.14873 of 2024

Dr.S.Priyadharshini

... Petitioner

versus

Dr.K.Arun Shanmuga Prasath

... Respondent

Prayer: Petition filed under Section 24 of the Code of Civil Procedure to withdraw the O.P.No.411 of 2022 pending on the file of the Principal Subordinate Court, Kancheepuram and to transfer the same to the Family Court, Chennai.

For Petitioner : Mr.R.Mayakrishnan

For Respondent : Ms.S.Thamizharasi



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ORDER

The petitioner is the wife. She married the respondent on 01.09.2019 at Tiruttani. A child was born from the wedlock on 23.02.2021.

2. The wife had initiated D.V.C.No.5 of 2022 before the Judicial Magistrate Court at Sriperambadur. The husband has initiated H.M.O.P.No.167 of 2022 on the file of the Principal Subordinate Court at Kancheepuram.

3. The wife pleads that she is not in a position to travel from Mylapore to Kancheepuram to attend every hearing, hence moved the transfer application.

4. Notice was ordered in the petition. Ms.S.Thamizharasi, learned counsel has entered appearance for the respondent/husband. She tenders no objection for the prayer of transfer. However, she seeks that the proceedings



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may be expedited before the Family Court at Chennai.

5. The wife is taking care of the children aged 3 years and since she is residing in Chennai, I am inclined to consider with the transfer.

6. Accordingly, the proceedings in O.P.No.411 of 2022 is withdrawn from the file of the Principal Subordinate Court, Kancheepuram and is transferred to the file of the Family Court, Chennai.

7. There is a consensus by both counsels. The trial has commenced before the Principal Sub Court at Kancheepuram. On transfer, the Family Court at Chennai shall not recommence the trial denovo. The Court shall continue the proceeding from the stage, at which, it is being transferred from Kancheepuram.

8. On receipt of the records, the learned Family Judge is requested to dispose of H.M.O.P.No.411 of 2022, within a period of 6 months from the date of receipt of the records.



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9. Accordingly, this Transfer Civil Miscellaneous Petition is allowed with the directions given in the previous paragraphs. No costs. Consequently, the connected miscellaneous petition is closed.

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Index : Yes/No

Speaking Order/Non speaking order

Neutral Citation Case : Yes/No

To

1.The Principal Sub Judge, Kancheepuram.

2.The Family Court Judge, Chennai.



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V.LAKSHMINARAYANAN, J.

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