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Tr.C.M.P.No.483 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.06.2024

CORAM

THE HONOURABLE MR.JUSTICE M.NIRMAL KUMAR

Tr.C.M.P.No.483 of 2024 and
C.M.P.No.9996 of 2024

S.Menaka

... Petitioner

Vs.

V.Deevakar @ Mani

... Respondent

PRAYER: Transfer Civil Miscellaneous Petition filed under Section 24 of the Code of Civil Procedure, to pass an order to withdraw HMOP No.375/2023 pending on the file of the Sub Court at Tambaram and transfer the same to the file of the Family Court at Chennai.

For Petitioner : Mr.A.Thirumaran
For Respondent : K.S.Karthikeyan

ORDER

The petitioner/estranged wife of the respondent filed this petition to withdraw H.M.O.P.No.375 of 2023 pending on the file of the Subordinate Court at Tambaram and transfer the same to the file of the Family Court at



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Chennai.

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2.The learned counsel for the petitioner submitted that the petitioner after being neglected, she is residing in her parents house at No.79/60, Mettu Street, Sathangadu, Kaladipet, Thiruvottiyur. Earlier, the petitioner filed maintenance case in M.C.No.114 of 2023 which is pending before the learned III Additional Family Judge, Chennai. The travel time for the petitioner from parental house to Tambaram is around 50 to 60 kms. Added to it, the petitioner is a housewife without earnings. With the support of her parents, she sustaining herself. She is facing very difficulty in attending the Court in Tambaram. He further submitted that the Subordinate Court, Tambaram is a civil Court wherein the other cases are called, but no priority is given to matrimonial cases. Due to which, the petitioner had to wait for whole day for the case to be called. It is further submitted that in the maintenance case, the respondent already appeared and contested. In view of the same, transferring H.M.O.P.No.375 of 2023 would cause no difficulty to the respondent. Moreover, it would be convenient for the Court to take a holistic view on the contention of the petitioner and the respondent both in H.M.O.P.No.375 of 2023 and M.C.No.114 of 2023.



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3.The learned counsel for the respondent submitted that the petitioner lived with the respondent only for a period of two months, thereafter without giving any reason, she left matrimonial home on her own and filed maintenance case coming to know about the respondent filing of H.M.O.P.No.375 of 2023. He further submitted that the respondent is a resident of Tambaram, employed in Southern Railway as a Loco Pilot. For his employment, it will be better to reside in Tambaram and attending the Court at Tambaram would be convenient for him. If the case is transferred, it would cause difficulty to the respondent. He further submitted that the travel from Thiruvottiyur to Tambaram would not be difficult and there is a good rail connectivity.

4.Considering the submissions and on perusal of the materials, it is not in dispute that the petitioner filed maintenance case which is pending before the III Additional Family Judge, Chennai. It is also not in dispute that the petitioner is a housewife without any income and she is living with the support of her parents. As the Family Court at Chennai is an exclusive



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Court to deal with the matrimonial issues, it is better to transfer H.M.O.P.No.375 of 2023 to the file of the III Additional Family Court at Chennai.

5.In view of the above, this Court withdraws H.M.O.P.No.375 of 2023 pending on the file of the Subordinate Court, Tambaram and transfers the same to the file of the III Additional Family Court at Chennai.

6.In the result, this transfer civil miscellaneous petition is allowed. Consequently, connected civil miscellaneous petition is closed. No costs.

25.06.2024

Speaking Order/Non Speaking Order
Index : Yes/No
Internet : Yes

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To

- 1.The III Additional Family Court at Chennai.
- 2.The Subordinate Court,



Tambaram.

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M.NIRMAL KUMAR, J.

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