



TR CMP NO. 477 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: **20-12-2024**

CORAM

THE HONOURABLE MR JUSTICE V. LAKSHMINARAYANAN

TR CMP NO. 477 of 2024 AND

CMP NO. 9760 OF 2024

Kiruthika

... Petitioner

Vs

S.M.Ashwinrajaa

... Respondent

Prayer : Transfer CMP under Section 24 of CPC to withdraw HMOP No.342 of 2024 on the file of the IV Additional Family Court, Chennai and transfer the same to Family Court at Salem.

For Petitioner : Mr.K.Rahul

For Respondent : Mr.P.Sankarnarayanan

ORDER

The relationship between the parties is admitted. The petitioner married the respondent on 04.09.2017. Due to disputes and differences, they have separated. The wife has initiated D.V.C.No.51 of 2024 on the file of the Chief Judicial Magistrate at Salem. The husband in turn has initiated O.P.No.342 of 2024 on the file of the IV Additional Family Court at Chennai. Pleading that she is unable to travel from Salem to Chennai, she has moved this transfer petition.

2. In an attempt to resolve the differences between the parties, the matter had been referred to mediation on 09.07.2024. The Mediation Centre has submitted a report that the mediation has failed. Hence, the petition is back before this Court.



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V. LAKSHMINARAYANAN, J.

KST

3. Taking into consideration that the husband is already appearing before the Chief Judicial Magistrate Court at Salem, he would not be prejudiced if the O.P is transferred from the Family Court at Chennai to the Family Court at Salem. Accordingly, O.P.No.342 of 2024 is withdrawn from the file of the IV Additional Family Court, Chennai and transferred to the file of the Family Court, Salem I am ordering the transfer taking into consideration the convenience of the wife and also the fact that Salem and Chennai are separated by considerable distance.

4. The learned Judge, Family Court at Salem is requested not to insist the appearance of the husband on every hearing. The husband shall appear for all essential hearings when his presence is indispensable. For the other hearings including procedural matters, he will be represented through a counsel.

5. Accordingly, this Transfer CMP is allowed. No costs. Consequently, connected miscellaneous petition is closed.

20-12-2024

Index : Yes/No

NCS : Yes/No

KST

To

- 1.The IV Additional Family Court, Chennai.
- 2.The Family Court, Salem.

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