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Tr.C.M.P No.550 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.07.2024

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THE HONOURABLE Ms. JUSTICE M.NIRMAL KUMAR

Tr.C.M.P No.550 of 2024
and
C.M.P Nos.12121 & 12122 of 2024

Mythili

... Petitioner

Vs.

Dharani

... Respondent

PRAYER: Transfer Civil Miscellaneous Petition filed under Section 24 of CPC to withdraw the petition in HMOP No.157 of 2023 from the file of Family Court, Tiruvallur District and to transfer the same to the Family Court, Chennai.

For Petitioner : Mr.A.Celine

For Respondent : No Appearance



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ORDER

The petitioner/wife has filed this Transfer Petition seeking transfer of H.M.O.P.No.157 of 2023, which is filed by the respondent/husband for restitution of conjugal rights, from the file of the Family Court, Thiruvallur to the file of the Family Court, Chennai.

2. The contention of the petitioner is that the marriage between the petitioner and the respondent took place on 27.02.2021. The marriage is an arranged marriage. At the time of marriage, there was a demand for 25 sovereigns of gold and cash of Rs.5 lakhs. The petitioner's family members arranged only 20 sovereigns of gold and cash of Rs.1 lakh as dowry. Not satisfied with the dowry, the petitioner was harassed and humiliated by the respondent and his family members. Further, she found that the respondent was not a sensible person and he is an alcoholic. Later, the respondent demanded more dowry and hence, she was forced out from the matrimonial home. In the meanwhile, there was also a male child born to them on 15.01.2022. But, the respondent failed to take care of the petitioner as well as the child, named Kirubhagaran. Now, the petitioner is under the care of



the parents and she filed a complaint under the Domestic Violence Act against her respondent/husband and in-laws. In order to wreck vengeance, the above respondent filed a divorce petition in HMOP No.157 of 2023 for restitution of conjugal rights and the same has been pursued by the respondent.

3. Though notice served on the respondent and his name is also printed in the cause list, there is no representation on behalf of the respondent.

4. After hearing the petitioner and also perusing the records, this Court is inclined to pass the following order:

It is seen that the petitioner has been subjected to cruelty and even after the birth of her son, the respondent failed to take care of his son and wife. Now, the petitioner is residing with her parents at Chennai. The respondent, on the other hand filed a petition for restitution of conjugal rights. The contention of the petitioner is that travelling from Chennai to Tiruvallur causes harassment to her. The petitioner being a single lady and she is having 2 years old baby, it will be very difficult for her to travel from



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Chennai to Tiruvallur to attend the Court.

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5. In view of the same, this Court is inclined to transfer the case in H.M.O.P No.157 of 2023. Accordingly, this Transfer Civil Miscellaneous Petition is allowed and H.M.O.P No.157 of 2023, pending on the file of the Family Court, Tiruvallur, shall stand withdrawn and transferred to the file of Family Court, Chennai No costs. The learned Judge, Family Court, Chennai is directed to dispose of the H.M.O.P No.157 of 2023, within a period of six (6) months from the date of receipt of a copy of this order. Consequently, the connected Miscellaneous Petitions are closed.

23.07.2024

Index : Yes/No
Speaking Order : Yes / No
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To

1. The Family Court,
Thiruvallur
2. The Family Court,
Chennai.
3. The Section Officer,
VR Section, Madras High Court,
Chennai.

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M.NIRMAL KUMAR, J.,

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