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Tr.CMP Nos.555 and 989 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.11.2024

CORAM :

THE HONOURABLE MR.JUSTICE V.LAKSHMINARAYANAN

Tr.CMP Nos.555 of 2024 and 989 of 2024
and CMP Nos.12209 and 21653 of 2024

Tr.CMP No.555 of 2024

Ramya Mai ... Petitioner

Vs

Rakesh Babu ... Respondent

PRAYER : Transfer CMP under Section 24 of CPC to withdraw and transfer the HMOP No.337 of 2024 on the file of the learned Family Court at Madurai to the learned Family Court at Chennai.

Tr.CMP No.989 of 2024

1.Minor.Mohit Achuthan

2.Minor.Hainshet Shriraam

(1st and 2nd petitioners are minors
rep.by their natural guardian / mother
Ramya Mai)

... Petitioners

Vs

Rakesh Babu ... Respondent

PRAYER : Transfer CMP under Section 24 of CPC to withdraw and transfer the M.C.No.37 of 2021 on the file of the learned Family Court at Madurai to the learned Family Court at Chennai.

For Petitioners : Mr.N.Suresh
For Respondent : Mr.K.Thilageswaran



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COMMON ORDER

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These petitions are filed seeking to withdraw and transfer the HMOP No.337 of 2024 and M.C.No.37 of 2021 on the file of the learned Family Court at Madurai to the learned Family Court at Chennai.

2. The relationship between the parties is not in dispute. The petitioner in Tr.CMP No.555 of 2024 is the wife of the respondent and the petitioners in Tr.CMP No.989 of 2024 are the children born to the petitioner in Tr.CMP No.555 of 2024 and the respondent. The petitioners are residing at Adyar in Chennai. They find it difficult to travel to Madurai for the purpose of prosecuting the proceedings initiated by them.

3. Notice was issued in the transfer petition and the respondent is represented by a counsel. Learned counsel for the respondent pleads that it will be difficult for the husband to travel from Madurai to Chennai and hence opposed the transfer.

4. In matters of transfer, the Court has to consider the convenience of the wife and the interest of the minors. As the minor children are studying in a school in Adyar, Chennai, it will be difficult for them to travel to Madurai for every hearing, though they are represented by their mother / guardian.



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5. Therefore, in exercise of the powers under Section 24 of CPC, HMOP No.337 of 2024 is withdrawn from the Family Court at Madurai and transferred to the file of the Family Court at Chennai. In exercise of powers under Article 227 of the Constitution, M.C.No.37 of 2021 is withdrawn from the Family Court at Madurai and transferred to the file of the Family Court at Chennai. The respondent husband is said to be working in Madurai. Therefore, the Family Court, Chennai shall not insist upon his appearance for every hearing. He shall appear for all essential hearings where his presence is indispensable. For the other hearings including procedural matters, he will be represented through a counsel.

6. With the above directions, the Civil Revision Petitions are allowed.
No costs. Consequently, connected miscellaneous petitions are closed.

29.11.2024

Index: Yes/No
Neutral Citation : Yes/No
KST

To

1.The Family Court
Madurai.

2.The Family Court
Chennai.



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V.LAKSHMINARAYANAN, J.

KST

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and 989 of 2024

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