



Tr.CMP.No.523 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.06.2024

CORAM

THE HONOURABLE MR.JUSTICE M.NIRMAL KUMAR

Tr.CMP.No.523 of 2024

and

C.M.P.No.11718 of 2024

R.Tamilselvi

... Petitioner

Vs.

P.Ravindar

... Respondent

PRAYER: Transfer Civil Miscellaneous Petition filed under Section 24 of the Civil Procedure Code to withdraw O.P.No.61 of 2024, on the file of the Principal Subordinate Judge, Kancheepuram and transfer the same to VI Additional Family Court, Chennai.

For Petitioner : Mr.K.Balasubramaniam

For Respondent : No Appearance

ORDER

The petitioner/respondent in OP No.61 of 2024, filed this Transfer Civil Miscellaneous Petition seeking transfer of OP from the Sub-Court,



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Kancheepuram to VI Additional Family Court, Chennai.

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2. Though notice served on the respondent and name is also printed in the cause list, none appeared on behalf of the respondent neither in person nor through counsel.

3. The contention of the petitioner is that the petitioner is the wife and the respondent is her estranged husband. The marriage between the petitioner and the respondent took place on 23.08.2020 at Arulmigu Shri Ellaimman Alayam, Nathanallur, Walajabad, Kancheepuram District. After the marriage, they were living happily for some time. Further he submitted that out of their wedlock, a male child born to them namely Master R.Dhashvanth on 25.06.2021 and thereafter matrimonial discord arose between them. Further, he submitted that the respondent filed divorce petition in O.P.No.61 of 2024 before the Sub-Court, Kancheepuram and the petitioner is residing in Chennai along with her minor child in her parents' house. Further, he submitted that the respondent failed to take care of the petitioner as well as the minor child, the petitioner being a lady, without any income for taking care of her child and herself, she was constrained to file a maintenance petition in MC.No.148 of 2024, before the VI Additional



Family Court, Chennai. Now the petitioner is unable to travel to Kancheepuram to attend the divorce case before the Sub Court, Kancheepuram. Therefore, he prayed this Court to transfer Divorce Petition in OP.No.11 of 2023 to VI Additional Family Court, Chennai.

4. Admittedly, the petitioner also filed a Maintenance case in M.C.No.148 of 2024, before the VI Additional Family Court, Chennai in which the respondent appeared and in view of the same, transferring the divorce petition from Kancheepuram to Chennai would cause no hindrance to the respondent.

5.Considering the facts and circumstance of the case and the petitioner and her child is residing in Chennai and she being a lady, it is certain that she will face difficulties to travel from Chennai to Kancheepuram to attend the case. In this case, it would be better and convenient for both the petitioner and the respondent, if the case is transferred and tried before Family Court, Chennai. In my considered view, it is appropriate to transfer the case in OP No.61 of 2024, from the file of Principal Sub-Court, Kancheepuram to VI Additional Family Court, Chennai in the interest of



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justice. Further, this Court directs VI Additional Family Court to take up both cases and hear the matter and pass appropriate orders on merits and in accordance with law.

6.In fine, the Transfer Miscellaneous Petition is allowed on the above terms. There shall be no order as to costs. Consequently, connected Miscellaneous Petition is closed.

26.06.2024

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To

- 1.The Principal Sub-Court, Kancheepuram
- 2.The VI Additional Family Court, Chennai

***Note: Issue order copy on 28.06.2024***



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M.NIRMAL KUMAR, J.

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