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Tr.C.M.P. No.571 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 23.08.2024

CORAM

THE HON'BLE MR.JUSTICE V.LAKSHMINARAYANAN

**Tr.C.M.P. No.571 of 2024
and C.M.P.No.12504 of 2024**

S.Divya Praba

... Petitioner

Vs.

P.Venkatesh

... Respondent

PRAYER: Transfer Civil Miscellaneous Petition filed under Section 24 of the Civil Procedure Code to withdraw and transfer the F.C.O.P.No.376 of 2021 from the Family Court, Vellore to the Subordinate Court, Arakkonam.

For the Petitioner : Ms.Sathya Seela

For the Respondent : Mr.T.K.S.Gandhi

ORDER

The petitioner is the wife. She seeks to withdraw F.C.O.P. No.376 of 2021 from the file of the Family Court at Vellore and transfer to the file of the Sub Court, Arakkonam.

2. There is no dispute in the relationship between the parties. The petitioner married the respondent on 17.02.2019. From the wedlock a child was born on 13.02.2021. The child is about 3 years old today. Due to disputes



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and differences, the parties have separated. The husband is residing at Vellore and hence invoking the jurisdiction of that Court, filed F.C.O.P. No.376 of 2021 pleading for divorce. Subsequently, the wife has also initiated proceedings for restitution of conjugal rights in H.M.O.P.No.95 of 2024 on the file of the Sub Court, at Arakkonam. The wife states that she is unable to travel, though the distance is not very considerable between Arakkonam and Vellore, leaving behind the toddler. The distance between Arakkonam and Vellore is about 90 kms.

3. I cannot expect a lady to travel all alone leaving behind the child at Arakkonam to attend the proceedings at Vellore. If the proceedings are transferred to Sub Court, neither parties need to appear other than when their evidence is tendered.

4. Taking into consideration, the interest of wife, F.C.O.P.No.376 of 2021 is withdrawn from the file of the Family Court, Vellore and transferred to the file of the Sub Court, Arakkonam to be heard and disposed of along with H.M.O.P.No.95 of 2024.

5. At this stage, the learned counsel for the respondent would submit



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that even today, the husband is willing to settle the issue with the wife. In case, if the learned Subordinate Judge, Arakkonam, feels that there is scope for mediation, he shall refer the parties to the mediation centre attached to the Court. In case, if such mediation centre is not available, the parties can be referred to the nearest mediation centre available.

6. With the above direction, this Transfer Civil Miscellaneous Petition is allowed. No costs. Consequently, the connected miscellaneous petition is closed.

23.08.2024

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Index : Yes / No

Internet : Yes / No

Speaking order / Non-speaking order

Neutral citation : Yes / No

To

1.The Judge

Family Court, Vellore.

2.The Sub Judge

Subordinate Court, Arakkonam.



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V.LAKSHMINARAYANAN, J.,
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