



TR.C.M.P.No.624 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.07.2024

CORAM:

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

TR.C.M.P.No.624 of 2024

and

C.M.P.No.13320 of 2024

N.Komaleeswari

... Petitioner

Vs.

P.Gokula Krishnan

... Respondent

PRAYER: Transfer Civil Miscellaneous Petition has been filed under Section 24 of the Code of Civil Procedure, praying to withdraw the case in O.P.No.218 of 2023 on the file of Principal District Court, Chengalpattu and transfer the same to the file of VII Additional Family Court, Chennai, to try along with H.M.O.P.No.713 of 2023.

For Petitioner : Mr.R.T.Vishnu

ORDER

The petitioner/estranged wife of the respondent has filed this transfer civil miscellaneous petition seeking to withdraw O.P.No.218 of 2023 pending on the file of Principal District Court, Chengalpattu and transfer the



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same to the file of VII Additional Family Court, Chennai, to be tried along with H.M.O.P.No.713 of 2023.

2.The contention of the petitioner is that the marriage between the petitioner and respondent took place on 24.02.2019 at Madambakkam, Chennai. After the marriage both the petitioner and respondent were living in the respondent's house at Thiruvavarur. The petitioner blessed with boy baby on 01.03.2021, namely, Pranesh. Since the marriage was love marriage against the wishes of the respondent's parents marriage held, for this reason petitioner was subjected to constant harassment and cruelty and demanded dowry. The petitioner unable to withstand harassment and humiliation, added to it petitioner physically assaulted on 11.02.2023 and was pushed out of the matrimonial home. The petitioner along with her two year old son took shelter at the Women Help Centre, Thiruvavarur. Thereafter, she lodged a complaint with All Women Police Station, Thiruvavarur on 12.02.2023 and CSR No.83/2023 assigned. The respondent's parents appeared for enquiry



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and undertook to resolve the issue and take the petitioner back to the matrimonial home. After the undertaking, they absconded, again a complaint was lodged on 17.02.2023 and case in Crime No.7/23 registered by All Women Police Station, Thiruvarur on 18.02.2203. On coming to know about the registration of the case against the respondent, the respondent filed H.M.O.P.No.713 of 2023 before the learned VII Additional Judge, Family Court, Chennai seeking divorce on the ground of cruelty. On the complaint of the petitioner, the District Social Welfare Officer forwarded the complaint dated 17.02.2023 and the same was taken on file in D.V.C.No.16 of 2023 on the file of Additional Mahila Court, Thiruvarur. The petitioner after being chased out from the matrimonial home, now she is given shelter by her parents at Selaiyur, Chennai.

3.The petitioner filed Tr.C.M.P.No.654 of 2023 to transfer D.V.C.No.16 of 2023 from Additional Mahila Court, Thiruvarur to Additional Mahila Court, Egmore, Chennai. Now D.V.C.No.16 of 2023



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transferred to Additional Mahila Court, Egmore, Chennai by order of this Court dated 10.10.2023. In the meanwhile, during May, 2023, the respondent filed a petition in O.P.No.218 of 2023 under the Guardian and Wards Act seeking guardianship for his son Pranesh before the District Judge, Chengalpattu.

4.The contention of the learned counsel for petitioner is that there are three cases pending against the petitioner and respondent. H.M.O.P.No.713 of 2023 filed by the respondent seeking divorce under Section 13(1)(i-a) of the Hindu Marriage Act is pending on the file of VII Additional Family Court, Chennai, D.V.C.No.16 of 2023 filed by the petitioner, which was transferred and pending on the file of Additional Mahila Court, Egmore, Chennai and Guardian O.P.No.218 of 2023 filed by the respondent is pending on the file of District Court, Chengalpattu, which is now sought to be transferred. The respondent, in Tr.C.M.P.No.654 of 2023



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admits that he is residing in Chennai and gave no objection for transfer of Domestic Violence Case.

5.In view of the admitted position of the respondent as recorded in Tr.C.M.P.No.654 of 2023, this Court dispense with the notice to the respondent.

6.Since the petitioner's residence has been shown in Selaiyur, which is within the jurisdiction of Chengalpattu District Court, the case in O.P.No.218 of 2023 filed before the District Court, Chengalpattu. In view of no objection given by the respondent in Tr.C.M.P.No.654 of 2023 and admission that he is residing in Chennai, transfer of Guardian O.P.No.218 of 2023 to Chennai would cause no hindrance or prejudice to the respondent, on the other hand, it would be convenient and better, if the divorce petition and Guardian petition are heard by the same judge, for better appreciation and to take holistic view. In view of the same, this Court is inclined to withdraw and transfer the case in O.P.No.218 of 2023 to the Family Court, Chennai.



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M.NIRMAL KUMAR, J.

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7. Accordingly, this Transfer Civil Miscellaneous Petition is allowed and O.P.No.218 of 2023, pending on the file of Principal District Court, Chengalpattu shall stand withdrawn and transferred to the file of VII Additional Family Court, Chennai to be tried along with H.M.O.P.No.713 of 2023. No costs. Consequently, connected miscellaneous petition is closed.

10.07.2024

Index : Yes/No

Internet : Yes/No

Speaking order/Non speaking order

Neutral Citation : Yes/No

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To

1. The Principal District Judge,
Chengalpattu.
2. The VII Additional Judge,
Family Court, Chennai.

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and C.M.P.No.13320 of 2024