



Tr.CMP.No.563 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.08.2024

CORAM

THE HONOURABLE MR.JUSTICE M.NIRMAL KUMAR

Tr.CMP.No.563 of 2024

and

C.M.P.No.12324 of 2024

T.V.P.Nisha

... Petitioner

Vs.

M.Prabhu

... Respondent

PRAYER: Transfer Civil Miscellaneous Petition filed under Section 24 of Civil Procedure Code to withdraw and transfer I.D.O.P.No.35 of 2024 pending before the Principal District Court, Tenkasi to the I Additional Family Court, Chennai to be tried along with I.D.O.P.No.1938 of 2024 pending therein.

For Petitioner : Mr.K.A.Ramakrishnan

For Respondent : No appearance



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ORDER

The petitioner, respondent in I.D.O.P.No.35 of 2024 filed this petition seeking transfer of the case from the file of the Principal District Court, Tenkasi to the file of the I Additional Family Court, Chennai.

2.Despite service of notice and name printed in the cause list, no representation for the respondent either in person or by any counsel.

3.The contention of the learned counsel for the petitioner is that the marriage between the petitioner and the respondent took place on 10.07.2020 at National Shrine of St.Thomas-Basilica, Santhome High Road, Santhome, Chennai-600004 as per Christian rites and customs. Out of their wedlock, they blessed with a male child P.N.Vibin, born on 23.12.2021. the petitioner's aunt, who is the mother of the respondent, died on 05.06.2021 due to corona and thereafter, the respondent's family started abusing the petitioner. On 04.02.2023, the respondent left to Madurai leaving the petitioner and her child in Chennai and thereafter, he did not return back. Thereafter, the respondent filed a petition seeking divorce in I.D.O.P.No.35



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of 2024 before the Principal District Court, Tenkasi. He would submit that the petitioner as a lady having a toddler, she cannot travel alone and she has to travel more than 1000 kms to and fro to attend the hearing in Tenkasi. He further submitted that now the petitioner filed a petition for restitution of conjugal rights pending before the I Additional Family Court, Chennai in I.D.O.P.No.1938 of 2024. Hence, he prays for transfer of I.D.O.P.No.35 of 2024 to the file of the I Additional Family Court, Chennai to be tried along with I.D.O.P.No.1938 of 2024.

4.Considering the submissions made and on perusal of the materials, it is seen that the petitioner herein who is a single lady residing at Chennai which is not denied by the respondent. The petitioner has to necessarily travel more than 1000 kms to and fro to attend the hearing before the Principal District Court, Tenkasi. In view of the same, this Court withdraws I.D.O.P.No.35 of 2024 from the file of the Principal District Court, Tenkasi and transfer the same to the file of the I Additional Family Court, Chennai to be tried along with I.D.O.P.No.1938 of 2024.

5.Accordingly, the Transfer Civil Miscellaneous Petition is allowed.



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No costs. Consequently, connected Civil Miscellaneous Petition is closed.

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Index: Yes/No

Speaking Order: Yes/No

cse

To

- 1.The Principal District Court,
Tenkasi.
- 2.The I Additional Family Court,
Chennai.



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M.NIRMAL KUMAR, J.

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