



Tr.C.M.P.No.561 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.07.2024

CORAM

THE HONOURABLE MR.JUSTICE M.NIRMAL KUMAR

Tr.C.M.P.No.561 of 2024 and
C.M.P.No.12280 of 2024

Krishnaveni @ Pavithra

... Petitioner

Vs.

G.Balasubramanian

... Respondent

PRAYER: Transfer Civil Miscellaneous Petition filed under Section 24 of the Code of Civil Procedure, to withdraw the HMOP.No.128/2024 on the file of the learned I Additional Family Court, Chennai and transfer the same to the learned Family Court, Puducherry and tag along with MC.No.57/2023 pending on the file of the learned Family Court, Puducherry.

For Petitioner : Mr.B.Balavijayan
For Respondent : Mr.K.Azhagu Raman

ORDER

The petitioner filed this transfer petition seeking transfer of H.M.O.P.No.128 of 2024 filed by her estranged husband/respondent from



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the file of the I Additional Family Court at Chennai to the file of the Family Court at Puducherry.

2.The learned counsel for the petitioner submitted that marriage between petitioner and respondent solemnized on 25.08.2019 at Maha Subbulakshmi Kalyana Mandabam, Arumbakkam, Chennai and out of their wedlock, they blessed with twin children named Sachit and Sachiv born on 10.07.2020. The marriage expenses were spent by both the families and the marriage was celebrated in grand manner. After birth of the children, the respondent and his family members without any reason started to abuse and harass the petitioner despite the petitioner acted as dutiful wife. The respondent tolerated all the happenings for future and welfare of the children. On 29.02.2022, the respondent and his family members jointly assaulted the petitioner and chased away from matrimonial home. The petitioner is now living with her parents along with children and working in a private company earning Rs.13,064/- and paying month rent of Rs.7,000/-. The children are now going Kinder Garden School at Pudhcherry for which the petitioner is paying monthly fees. Right from the date of the petitioner



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left the matrimonial home, neither the respondent nor his family members made any arrangement for reconciliation. He further submitted that the petitioner filed maintenance case against the respondent in M.C.No.57 of 2023 which is pending before the Family Court at Puducherry. The petitioner on her meagre salary, is paying house rent, school fees and other expenses of children. At this stage, she cannot travel from Pudhucherry to Chennai to attend the Court proceedings leaving behind two children. Hence, the divorce petition filed by the respondent to be transferred to the file of the Family Court at Pudhucherry and tried along with the maintenance case.

3.The learned counsel for the respondent submitted that he has no objection for transferring the proceedings in H.M.O.P.No.128 of 2024 to the file of the Family Court at Pudhucherry.

4.Considering the submissions and on perusal of the materials, it is seen that the petitioner is working in Pudhcherry and taking care of her two children and aged parents, at this stage, she could not travel all the way from



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Pudhucherry to Chennai to attend Court proceedings which is around 120 kms. Added to it, the respondent has no objection for transfer the case to the Family Court at Puducherry.

5.In view of the above, this Court withdraws H.M.O.P.No.128 of 2024 from the file of the I Additional Family Court at Chennai and transfers the same to the file of the Family Court at Pudhucherry. On receipt of entire case bundle, the Family Court at Pudhucherry is directed to conduct trial in H.M.O.P.No.128 of 2024 along with the maintenance case in M.C.No.57 of 2023 and dispose of both proceedings, within a period of six months thereafter. Accordingly, this transfer civil miscellaneous petition is allowed. Consequently, connected civil miscellaneous petition is closed.

No costs.

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Speaking Order/Non Speaking Order

Index : Yes/No

Internet : Yes

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To
WEB COPY

- 1.The I Additional Family Court at Chennai.
- 2.The Family Court at Pudhucherry.



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M.NIRMAL KUMAR, J.

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