



Tr.CMP.No.562 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.07.2024

CORAM

THE HONOURABLE MR.JUSTICE M.NIRMAL KUMAR

Tr.CMP.No.562 of 2024

and

C.M.P.No.12293 of 2024

P.S.Lakshmisree

... Petitioner

Vs.

Yogeshwaran

... Respondent

PRAYER: Transfer Civil Miscellaneous Petition filed under Section 24 of Civil Procedure Code to withdraw H.M.O.P.No.305 of 2024 from the file of the Family Court, Karur and to transfer the same to the Family Court, Chennai.

For Petitioner : Mr.J.Dineshkumar

For Respondent : No appearance



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ORDER

The petitioner, respondent in H.M.O.P.No.305 of 2024 on the file of the Family Court, Karur filed this petition seeking transfer of the case from the file of the Family Court, Karur to the file of the 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 10.06.2022 in Chennai. During the marriage, customary sridhana articles were presented including gold jewels. After marriage, they lived in a rental house at Sivan Kovil North Mada Street, Villivakkam, Chennai. The respondent/husband shown less interest in the matrimonial life and he was addicted to watch porn films and fantasy sex films without going to office. Four months after the marriage, the petitioner got pregnant and at that time, the Doctor advised the petitioner not to have any physical relationship since



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the petitioner was not healthy. But the respondent forced her and abused her. Unable to bear the torture and harassment, the petitioner even during pregnancy lodged a complaint before All Women Police Station, Villivakkam and C.S.R.No.222 of 2023 was registered on 29.03.2023. Thereafter, the petitioner also filed a domestic violence complaint in D.V.C.No.144 of 2023 which is pending before the Additional Mahila Court, Egmore, Chennai. Suppressing all these facts, the respondent filed a petition seeking restitution of conjugal rights before the Family Court, Karur which is 400 kms away and it takes 8 hours of travel. He would submit that the petitioner as a single mother having one year old baby, she cannot travel alone and she has to travel 800 kms to and fro to attend the hearing. He further submitted that now the respondent filed a petition for restitution of conjugal rights before the Family Court, Karur which is filed only with an intention to cause harassment and suffering to the petitioner. Hence, he prays for transfer of petition.

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



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which is not denied by the respondent. The petitioner has no income of her own and she has to necessarily travel around 800 kms to and fro to attend the hearing before the Family Court, Karur. In view of the same, this Court withdraws H.M.O.P.No.305 of 2024 from the file of the Family Court, Karur and transfer the same to the file of the Family Court, Chennai.

5.Accordingly, the Transfer Civil Miscellaneous Petition is allowed.
No costs. Consequently, connected Civil Miscellaneous Petition is closed.

05.07.2024

cse

To

- 1.The Family Court,
Karur.
- 2.The Family Court,
Chennai.



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M.NIRMAL KUMAR, J.

cse

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