



Tr CMP No.574 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.09.2024

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THE HON'BLE MR.JUSTICE **V.LAKSHMINARAYANAN**

Tr CMP No.574 of 2024 &
CMP.No.12538 of 2024

G.Manjula : Petitioner

versus

D.Suresh Kumar : Respondent

Prayer: Petition filed under Section 24 of the Constitution of India to withdraw HMOP.No.2367 of 2023 pending on the file of the learned Principal Judge of Family Court, Chennai and transfer the same to the Family Court at Tiruvallur.

For Petitioner : Mr.Magesh Kumar
Assisted by Ms.M.Karthikeyani

For respondent : Ms.D.Pavithra

ORDER

I had posted the matter for clarification on the request of Ms.Karthikeyani.



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2. On 13.09.2024, recording the statement of the learned counsel for the respondent that the evidence itself has been concluded in HMOP.No.2367 of 2023 and that the matter is listed for arguments, I dismissed the transfer petition.

3. Subsequently, before signing the said judgment dated 13.09.2024, Ms.Karthikeyini reported to this Court that in M.C.No.11 of 2024, the evidence has been concluded and the matter was posted for orders, and that in HMOP.No.2367 of 2023, the respondent/husband has filed his proof affidavit and it is posted for his cross examination.

4. Since the statement of the learned counsel for the respondent ought to have been made in MC.No.11 of 2024 and she had made the statement with respect to HMOP.No.2367 of 2023, I have to pass a fresh order in the transfer petition.

5. The petitioner is the wife. She solemnized her marriage with the respondent on 18.05.2006. From the wedlock, two male children were born



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on 08.04.2007 and 02.09.2011. On account of disputes and differences that arose between the parties, they have separated. The petitioner/wife has returned to her parental home at Golur Village in Tiruvallur District. The husband continues to reside in Arumbakkam.

6. The husband has initiated a proceeding for divorce under Section 13(1)(i-a) of the Hindu Marriage Act. The petitioner/wife pleads that she has two children to take care of, who are teenagers and she finds it difficult to travel the distance from Tiruvallur to Chennai to attend the hearing.

7. This transfer civil miscellaneous petition was taken on file on 25.06.2024. Notice was ordered to the respondent and Ms.D.Pavithra has entered appearance for the respondent.

8. The aforesaid narration of the facts would show that the wife is residing in the rural area of Tiruvallur. She has two children to take care of and she finds it difficult to leave them behind and travel to Chennai to attend the hearings. Hence, the transfer petition.



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9. Taking into consideration the convenience of the wife, I am inclined to accept the transfer. Accordingly, HMOP.No.2367 of 2023 on the file of the Principal Family Court, Chennai is withdrawn and is transferred to the file of the Family Court at Tiruvallur. The husband is said to be working in Railways. Therefore, the Family Court at Tiruvallur need not insist upon the appearance of the husband for every hearing. His presence for non-essential and procedural hearings is dispensed with. For essential hearing, he shall be present. On the hearing when he could not present, he shall be represented by a counsel.

10. With the above directions, this transfer civil miscellaneous petition is allowed. No costs. Consequently, the connected miscellaneous petition is closed.

20.09.2024

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Index : Yes/No

Speaking Order/Non-speaking order

Neutral Citation : Yes/No



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To

1. The Principal Family Court, Chennai
2. The Family Court at Tiruvallur.



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V.LAKSHMINARAYANAN, J.

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