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Tr.CMP.No.682 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 27.09.2024

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

Tr.CMP.No.682 of 2024
and CMP No.14735 of 2024

M.Aarthi

... Petitioner

Vs.

S.Rajkumar

... Respondent

Prayer: Petition filed under Section 24 of the Code of Civil Procedure, praying to withdraw OP No.115 of 2024 pending before the Family Court at Thanjavur and to transfer the same to the Family Court, Chennai and to be heard and decided along with OP No.2434 of 2024 on the file of Principal Family Court, Chennai.

For Petitioner

:Mr.T.Saminathan

For Respondent

: Mr.K.Pragadeesh Kumar

ORDER

This Transfer Civil Miscellaneous Petition is at the instance of the wife. She seeks transfer of HMOP No.115 of 2024 pending on the file of the Family Court, Thanjavur to the file of Principal Family Court, Chennai, to be heard and disposed of along with HMOP No.2434 of



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2024, presented by her.

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2. The petitioner married the respondent on 24.01.2024 at Thanjavur. Within a few days alleging that the wife is incapable of consummating the marriage, the husband has initiated HMOP No.115 of 2024 on the file of the Family Court at Thanjavur. The wife too has initiated a proceeding in HMOP No.2434 of 2024 on the file of the Principal Family Court at Chennai. Therefore, she sought for transferring the proceedings from Family Court at Thanjavur to Principal Family Court at Chennai. Her basic plea is she is unable to travel the distance from Chennai to Thanjavur to attend the hearing.

3. Notice was ordered to the respondent in the Transfer Petition on 19.07.2024 and Mr.K.Pragadeesh Kumar, has entered appearance for the respondent.

4. I heard Mr.T.Saminathan, for the petitioner and Mr.K.Pragadeesh Kumar, for the respondent.

5. Mr.K.Pragadeesh Kumar, would submit that the wife is not a



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resident of Tondiarpet, but, she is a resident of Guduvancherry and giving a false address, she is invoking the jurisdiction of the Family Court at Chennai.

6. This is stoutly resisted by Mr.T.Saminathan, who appears for the petitioner/wife. Whether the wife is a resident of Guduvancherry or Chennai, travelling from either place to Thanjavur would require a lot of effort.

7. Taking into considering the convenience of the wife, HMOP No.115 of 2024 is withdrawn from the file of the Family Court at Thanjavur and transferred to the file of the Principal Family Court at Chennai, to be heard and disposed of along with HMOP No.2434 of 2024. The contention of Mr.K.Pragadeesh Kumar, may be made appropriately before the Family Court at Chennai.

8. With the above direction, the Transfer Civil Miscellaneous Petition stands allowed. No Costs. Consequently, the connected Civil Miscellaneous Petition is closed.



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Speaking / Non Speaking order

Index : Yes / No

Neutral Citation: Yes/No

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V.LAKSHMINARAYANAN, J.

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To

1. The Judge,
Family Court, Thanjavur.

2. The Judge,
Family Court, Chennai.

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