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Tr.CMP.No.578 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.07.2024

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THE HONOURABLE MR.JUSTICE V.LAKSHMINARAYANAN

Tr.CMP.No.578 of 2023

and

C.M.P.No.14154 of 2023

Jeipreethi Kanggeyavelu

.. Petitioner

Vs.

1.Srinivasan

2.Suryaprakasam

3.Jothi @ Selvi

4.Sivakumar

5.Nandhini

.. Respondents

Prayer : The Transfer Civil Miscellaneous Petition is filed under Section 24 of the Code of Civil Procedure, to withdraw the proceeding in D.V.C.No.2 of 2023 pending on the file of the Additional Mahila Court at Thiruvallur and transfer the same to the file of the Additional Mahila Court at Egmore, Chennai.



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For Petitioner : Mr.P.Anandan
for M/s.Majestic Law Firm

For Respondents : Ms.B.Aparna

ORDER

The petitioner seeks transfer of proceeding, in D.V.C.No.2 of 2023 which was initiated by her against the respondent/husband, from the file of the Additional Mahila Court at Thiruvallur to the file of the Additional Mahila Court at Egmore, Chennai.

2. She would state that when the D.V.C. Proceeding was filed, she was the resident of Thirunindravur. She has also initiated the divorce proceeding in H.M.O.P.No.169 of 2021 on the file of the learned Subordinate Judge at Poonamallee.

3. She would further plead that subsequent to the filing of the petition, she has secured a job at SBOA School, and the child born from the wedlock between her and the first respondent has been admitted to Chennai Public School at Anna Nagar, Chennai.



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4. Taking into consideration the difficulties expressed by the wife, this Court has passed an order in Tr.C.M.P.No.565 of 2023, dated 17.04.2024, transferring the proceeding in H.M.O.P.No.169 of 2021 from the file of the Sub Court at Poonamallee to the file of the Family Court at Chennai. This leaves out the D.V.C. proceeding over which the present transfer petition has been filed.

5. Heard Mr.P.Anandan, for M/s.Majestic Law Firm, appearing on behalf of the petitioner and Ms.B.Aparna, appearing on behalf of the respondents.

6. Taking into consideration the fact that the wife is currently residing at Chennai and the fact that this Court had already exercised its discretion in Tr.C.M.P.No.565 of 2023, I am inclined to allow this transfer petition.

7. Apart from that, I noticed from the cause title that the husband is the resident of Ganapathy at Coimbatore, and it will always be easy for him to travel from Coimbatore to Chennai rather than Coimbatore to Chennai and then onwards to Thiruvallur.



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8. Hence, the proceeding in D.V.C.No.2 of 2023 pending on the file of the Additional Mahila Court at Thiruvallur is withdrawn and it shall stand transferred to the file of the Metropolitan Magistrate Court at George Town, Chennai.

9. The learned Metropolitan Magistrate is requested to give a date which coincides with the date given by the Family Court at Chennai so as to obviate the necessity for the husband to travel twice for the purpose of attending the hearings.

10. The appearance of respondent Nos.2 to 5 is hereby dispensed with and they shall only be present before the Magistrate Court whenever their presence is otherwise indispensable.

11. Accordingly, the Transfer Civil Miscellaneous Petition stands allowed. No costs. The connected Civil Miscellaneous Petition is closed.



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Index: Yes/No

Speaking Order : Yes/No

Neutral Citation: Yes/No

V. LAKSHMINARAYANAN, J.

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To

- 1.The Additional Mahila Court,
Thiruvallur
- 2.The Metropolitan Magistrate Court,
George Town, Chennai

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