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Tr.C.M.P.No.635 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10..09..2024

Coram

THE HONOURABLE MR.JUSTICE V.LAKSHMINARAYANAN

Transfer Civil Miscellaneous Petition No.635 of 2024

and

C.M.P.No.13542 of 2024

R.Sivapriya

..... Petitioner

-Versus-

R.Prabu

..... Respondent

Petition filed under Section 24 of the Code of Civil Procedure,1908, praying to withdraw the case in H.M.O.P.No.73 of 2024 pending on the file of the learned Subordinate Judge, Mettur, Salem District, and to transfer the same to the Family Court at Chennai.

For Petitioner : *Ms.M.Jayanthi for*
Mr.N.Arun Kumar

For Respondent : *Mr.S.Ramkumar*

ORDER

This Transfer Miscellaneous Petition has been filed seeking transfer of the case in H.M.O.P.No.73 of 2024 from the file of the learned Subordinate Judge, Mettur, Salem District, to the file of the Family Court at Chennai.



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2. The petitioner is the wife. She married the respondent on 25.04.2021 at Pasupatheeswarar Thirukoil in Salem. From the wedlock, a female child was born on 20.02.2022. Due to disputes and differences, the husband and wife have separated. The wife has initiated a proceedings for maintenance before the V Additional Family Court, Chennai, on 31.10.2023. She states that after summons were served in the said proceedings, the husband has initiated a proceedings in H.M.O.P.No.73 of 2024 on the file of the learned Subordinate Judge at Mettur. She further states that as she is working in I.T. Sector and has 1 ½ year old child to take care of, she is not in a position to travel to Mettur to attend the hearing.

3. Notice was ordered in this application on 18.07.2024 and Mr.S.Ramkumar entered appearance for the respondent/husband.

4. Heard both sides.

5. It is not in dispute that the petitioner/wife is residing in Maduravoyal in Chennai. She is having the custody of the child. She would therefore certainly find it difficult to travel from Chennai to Mettur in order to defend the divorce proceedings initiated by the respondent/husband. Apart from that, she has already taken out a petition seeking maintenance which is pending on the file of the Family Court at Chennai.



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6. Taking into consideration the over all circumstances, I am inclined to accept the transfer. Accordingly, the case in H.M.O.P.No.73 of 2023 pending on the file of the Subordinate Judge, Mettur, is withdrawn and the same is transferred to the file of the V Additional Principal Judge, Family Court at Chennai.

7. At this stage, Mr.S.Ramkumar would plead that the petitioner/wife is not permitting the company of the father with the child.

8. Ms.M.Jayanthi for Mr.N.Arukumar would submit that petitioner/wife has no objection for the respondent/husband to visit the child at her residence in Maduravoyal. She would plead that since the petitioner/wife is working in the I.T. Sector, she is busy from Monday to Saturday and therefore, it would be fine if the respondent visits the child over the week ends.

9. By consent both parties agree that the respondent can visit the child between 04.00 and 07.00 p.m. on every Sunday.

With the above arrangements, this transfer miscellaneous petition stands allowed. Consequently, connected CMP is closed.

Index : yes / no
Neutral Citation : yes / no
Speaking / Non Speaking Order
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To
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- 1.The Subordinate Judge, Mettur, Salem District.*
- 2.The V Additional Principal Judge, Family Court, Chennai.*



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V.LAKSHMINARAYANAN.J.,

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