



WEB COPY



Tr.C.M.P. No. 634 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13.09.2024

CORAM

THE HONOURABLE MR. JUSTICE V.LAKSHMINARAYANAN

Tr.C.M.P. No. 634 of 2024

and

C.M.P. No. 13483 of 2024

Gowmi

... Petitioner / Petitioner

Vs.

John Maradona

... Respondent / Petitioner

PRAYER: Transfer Miscellaneous Petition is filed under Section 24 of the Code of Civil Procedure, 1908, to withdraw the case in I.D.O.P. No. 1572 of 2024 pending on the file of the learned Family Court at Chennai and transfer the same to the file of the learned Subordinate Court at Thirukovilur, Kallakurichi.

For Petitioner : Mr. S.Sabarish

For Respondent : Mr. A.Hari

ORDER

The wife is the petitioner. The marriage between the petitioner and the respondent was solemnized on 22.01.2021 at Chennai. From the wedlock, two



children were born. Due to disputes and differences, the petitioner has separated and is now residing in Thirukovilur in Kallakurichi District. The husband, in the meantime, has initiated I.D.O.P. No. 1572 of 2024 for divorce on the file of the Principal Family Court at Chennai. Pleading that she is unable to travel the distance of 410 kms for every hearing, she has moved this transfer petition.

2. Notice was ordered on 18.07.2024. Mr. A.Hari has entered appearance for the respondent.

3. Mr. A.Hari would plead that the respondent was set *exparte* in I.D.O.P. No. 572 of 2024. Mr. S.Sabarish would submit that set aside petition has been presented by the wife and it has also been numbered. The very fact that the petitioner was set *exparte* on account of non appearance shows the difficulty faced by her to travel from Thirukovilur to Chennai.

4. Taking into consideration that the wife is having a child who is 8 years old and is also having a son who is about 2 years old, I am inclined to consider this transfer. Accordingly, I.D.O.P. No. 1572 of 2024 is withdrawn from the file of the learned Family Court at Chennai and transferred to the file of the learned District Judge at Kallakurichi. The District Judge shall dispose



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of all the interlocutory applications taken by both parties prior to proceeding with the I.D.O.P.

5. With the above direction, the transfer civil miscellaneous petition is allowed. No costs. Consequently, the connected miscellaneous petition is closed.

13.09.2024

Index : Yes/No
Speaking order : Yes/No
NCC : Yes/No

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To

1. The District Judge at Kallakurichi.
2. The Family Court at Chennai.
3. The Subordinate Court at Thirukovilur, Kallakurichi.



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V.LAKSHMINARAYANAN, J.,

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