



WEB COPY



Tr.CMP.No.649 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.06.2024

Coram

THE HON'BLE MR JUSTICE V. LAKSHMINARAYANAN

Tr.CMP No.649 of 2023

and

CMP.No.16052 of 2023

R.Rajeshwari

... Petitioner

-Versus-

P.Shankar Narayanan

... Respondent

Transfer Civil Miscellaneous Petition filed under Section 24 of C.P.C. seeking to withdraw and transfer of HMOP.No.344 of 2023 from the file of the learned I Additional Family Court, Chennai to the file of the learned Sub Judge at Madurantakam.

For Petitioner : *Mr.G.Mageshkumar*

For Respondent : *Mr.N.Premkumar*

ORDER

The petitioner and the respondent married on 27.01.2019. Due to differences in the matrimonial relationship, the husband has initiated divorce proceedings in HMOP.No.344 of 2023 on the file of the I Additional Family Court, Chennai.



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2. The petitioner claims that she is a housewife and that she is unable to travel from Madurantakam to Chennai as it involves taking two buses in order to reach the court. Pleading physical and financial inability, she has moved this transfer petition.

3. Notice was issued in the transfer petition and the respondent has entered appearance through counsel.

4. Learned counsel appearing for the respondent would state that an exparte order was passed on 07.08.2023 in HMOP.No.344 of 2023 and therefore, nothing remains to be adjudicated in the transfer petition.

5. Learned counsel for the petitioner in response would state that only an exparte order has been passed and the matter has yet to result in exparte decree. He would add that the evidence has not been recorded in the proceedings so far. He would also submit that an application has been taken out under Order IX Rule 7 of the Code of Civil Procedure to set aside the exparte order in I.A.No.1 of 2023 and the same is pending.

6. Taking into consideration the overall circumstances, HMOP.No.344 of



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2023 and I.A.No.1 of 2023 are withdrawn from the file of the learned I Additional Family Court, Chennai and is transferred to the file of the Sub Court at Madurantakam. By virtue of this order, no inconvenience will be caused to the husband as he is not a resident of Chennai, but he is a resident of Bangalore. The learned Subordinate Judge will decide the application first and thereafter, take up the proceedings, in case the exparte order is set aside.

7. Accordingly, this transfer civil miscellaneous petition is allowed. No costs. Consequently, the connected civil miscellaneous petition is closed.

11.06.2024

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Index : Yes/No
Speaking Order/Non-speaking order
Neutral Citation : yes/No

To

- 1.The I Additional Family Court, Chennai
- 2.The Sub Judge at Madurantakam.



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V.LAKSHMINARAYANAN, J.
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