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Tr.C.M.P. No. 689 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.10.2024

CORAM

THE HONOURABLE MR. JUSTICE V.LAKSHMINARAYANAN

Tr.C.M.P. No. 689 of 2024

and

C.M.P. No. 14857 of 2024

Dhanalakshmi

... Petitioner / Respondent

Vs.

Rajesh Kannan

... Respondent / Petitioner

PRAYER: Transfer Miscellaneous Petition is filed under Section 24 of the Code of Civil Procedure, 1908, to withdraw the petition in H.M.O.P. No. 4905 of 2023 on the file of the Principal Family Court, Chennai and transfer the same to the file of the Family Court, Tirunelveli.

For Petitioner : Mr. B.Raj Kumar Babu

For Respondent : Mr. M.Vinoth Kumar

ORDER

The petitioner is the wife. She married the respondent on 10.06.2022 at Kovilpatti in Tirunelveli District. The petitioner separated from the respondent on 02.07.2023.



Tr.C.M.P. No. 689 of 2024

2. The wife has initiated D.V.C. No. 46 of 2023 on the file of the Judicial Magistrate No.3 at Tirunelveli. After receipt of the summons in D.V.C. No. 46 of 2023, the husband has initiated divorce in H.M.O.P. 4905 of 2023.

3. The petitioner pleads that her father is working in a private security agency and therefore he is not financially well off. Hence, she seeks for the transfer.

4. Notice was ordered in the transfer petition on 23.07.2024 and Mr. M.Vinoth Kumar has entered appearance for the respondent.

5. Heard Mr. B.Raj Kumar Babu for the petitioner and Mr. M.Vinoth Kumar for the respondent.

6. It is not in dispute that the wife is a permanent resident of Kovilpatti. To travel from Kovilpatti to Chennai is an overnight journey, which I cannot expect the young woman of 23 years to undertake. The husband is in any event appearing before the Judicial Magistrate Court No.3 at Tirunelveli.



Tr.C.M.P. No. 689 of 2024

WEB COPY

7. Taking into consideration the convenience of the wife, the H.M.O.P. No. 4905 of 2023 is withdrawn from the file of the Family Court at Chennai and transferred to the file of the Family Court at Tirunelveli.

8. At this stage, the learned counsel for the respondent states that the husband is running a small eatery in Chennai. Therefore, the Family Court at Tirunelveli will not insist on the appearance of the husband for every hearing. He shall, however, appear when his appearance is essential or when so directed by the Family Court. On the other hearings, he may be represented through a counsel.

9. In the result, the transfer civil miscellaneous petition is allowed. No costs. Consequently, the connected miscellaneous petition is closed.

18.10.2024

Index : Yes / No

Speaking order : Yes / No

NCC : Yes / No

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To



Tr.C.M.P. No. 689 of 2024

1. The Principal Family Court, Chennai.
2. The Family Court, Tirunelveli.

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Tr.C.M.P. No. 689 of 2024

V.LAKSHMINARAYANAN, J.,

pal

Tr.C.M.P. No. 689 of 2024

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