



Tr Cmp.No.614 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.02.2024

CORAM

THE HONOURABLE MR.JUSTICE V.SIVAGNANAM

Tr CMP.No.614 of 2023

and

CMP.No.15353 of 2023

N.Nithya

... Petitioner

/vs/

S.Prithviraj

... Respondent

PRAYER : This Transfer Civil Miscellaneous Petition has been filed under Section 24 of Civil Procedure Code to withdraw the case in HMOP No.171 of 2023 from the file of the Family Court, Theni and transfer the same to VII Additional Family Court, Chennai.

For Petitioner ... Mr.S.Murugan

For Respondent ... No appearance

ORDER

This Transfer Civil Miscellaneous Petition has been filed to withdraw the case in HMOP No.171 of 2023 from the file of the Family Court, Theni and transfer the same to VII Additional Family Court, Chennai.



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2. The petitioner is wife and the respondent is husband. Due to the continues harassment and torture of the respondent and his family members, demanding dowry, the petitioner left the matrimonial home and now, she is residing in her parents home at Virugambakkam, Chennai along with her minor son. Subsequently, she filed maintenance petition in M.C.No.394/2022 before the VII Additional Family Court, Chennai, wherein, the respondent was set exparte and maintenance was ordered. Further, she had filed M.P.No.317/2023, seeking arrears of maintenance amount and the same is also pending. Thereafter, the respondent has filed HMOP No.171/2023 seeking divorce before the Family Court, Theni. Since the petitioner is residing at Chennai with her minor child and age old parents, it is very difficult for her to travel from Chennai to Thennai for hearings of the divorce petition. Hence, in the interest of justice, the above HMOP No.171/2023 may be transferred from the file of the Family Court, Theni to the VII Additional Family Court, Chennai, where the maintenance case filed by the petitioner is pending.



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3. Despite name of the respondent is printed in the cause list, none appeared for the respondent, even through video conferencing.

4. Therefore, considering the fact that the reason assigned by the petitioner is justifiable, and also taking into account that the maintenance case filed by the petitioner is pending before the VII Additional Family Court, Chennai, this Court is inclined to transfer the case, as prayed for in the petition.

5. Accordingly, H.M.O.P.No.171 of 2023 is hereby directed to be withdrawn from the file of the Family Court, Theni and transferred to the VII Additional Family Court, Chennai. The Family Court Judge, Theni is directed to send the entire records to the VII Additional Family Court, Chennai, within a period of two weeks from the date of receipt of a copy of this order and on receiving the same, the learned VII Additional Judge, Family Court, Chennai is directed to issue notice to both parties and thereafter, dispose of the case on merits as early as possible.



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6. With the above direction, the Transfer Civil Miscellaneous Petition

is allowed. No costs. Consequently, the connected miscellaneous petition is closed.

Index : Yes/No
Internet : Yes/No
mst

16.02.2024

To

- 1.The Judge, Family Court, Theni
- 2.The VII Additional Judge, Family Court, Chennai.



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V.SIVAGNANAM ,J.

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