



Tr.C.M.P.No. 716 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 27.09.2024

CORAM

THE HONOURABLE Mr. JUSTICE V.LAKSHMINARAYANAN

Tr.C.M.P.No. 716 of 2024

&

C.M.P.No. 15589 of 2024

Kirthika Devi

...Petitioner

Vs.

S.Balakumar

...Respondent

Prayer: Petition is filed under Section 24 of the Code of Civil Procedure to withdraw H.M.O.P.No.606 of 2023 pending on the file of the Sub Court, Alandur and transfer the same to the file of the Principal Family Court, Coimbatore.

For Petitioner : Mr. M.Vinoth Kumar

For Respondent : Mr. S.S.Santhosh Kumar



Tr.C.M.P.No. 716 of 2022

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ORDER

The Transfer Petition is filed at the instance of the wife. The marriage between the parties was solemnised on 21.08.2022 at Coimbatore. The parties set up their matrimonial home at Pallikaranai, Chennai. Thereafter, the parties separated on account of the disputes that arose.

2. The husband alleging that the wife has treated him with cruelty invoked the jurisdiction of the learned Subordinate Judge, Alandur and filed a petition for divorce under Section 13 (1) (i a) of the Hindu Marriage Act. Even at the time of filing of the divorce petition, the wife was shown to be a resident of Coimbatore. Pleading that she is unable to travel from Coimbatore to Chennai for every hearing, the wife has moved this Transfer Petition.

3. Notice was ordered in the Transfer Petition on 01.08.2024 and Mr.Santhosh Kumar has entered appearance for the respondent /



husband.

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Tr.C.M.P.No. 716 of 2024

4. Mr.Santhosh Kumar would bring to my notice the appointment order, salary certificate of the petitioner / wife and would contend that the wife is currently employed at Renault Nissan Technology & Business Centre India Private Limited, Ascendas IT Park, Mahindra World City, Chengalpattu District. The learned counsel for the petitioner / wife sought time for verification.

5. When the matter was taken up for disposal, Mr.Vinoth Kumar produced the appointment order of the wife by Accenture dated 07.05.2024. A perusal of the typed set of paper shows that the wife is now employed by the said Company at Coimbatore.

6. Taking into consideration the convenience of the petitioner / wife, I am inclined to accept the transfer. Accordingly, H.M.O.P.No.606 of 2023 is withdrawn from the file of the Subordinate Court, Alandur and transferred to the file of the Principal Family Court,



Tr.C.M.P.No. 716 of 2024

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7. The husband being an employee at Chennai, would find it difficult to travel for every hearing to Coimbatore. Therefore, the Family Court, dealing with the HMOP shall not insist upon the appearance of the husband for every hearing. He shall however be present when his presence is indispensable or when so directed by the learned Judge.

8. With the above observation, the Transfer Civil Miscellaneous Petition is allowed. Consequently, the connected miscellaneous petition is closed. No costs.

27.09.2024

Index : Yes/No
Internet : Yes/No
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Tr.C.M.P.No. 716 of 2027

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To

- 1.The Subordinate Court,
Alandur.
- 2.The Principal Family Court,
Coimbatore.



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Tr.C.M.P.No. 716 of 2024

V.LAKSHMINARAYANAN, J.

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Tr.C.M.P.No. 716 of 2024

27.09.2024