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Tr.CMP.No.744 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

**DATED : 07.06.2024**

CORAM

**THE HONOURABLE MR.JUSTICE V.LAKSHMINARAYANAN**

**Tr.CMP.No.744 of 2023**

**and**

**C.M.P.No.18103 of 2023**

N.Akila

.. Petitioner

Vs.

T.Sathish Kumar

.. Respondent

**Prayer** : The Transfer Civil Miscellaneous Petition is filed under Section 24 of the Code of Civil Procedure, to withdraw the proceeding in H.M.O.P.No.472 of 2023 pending on the file of the Sub Court at Ambattur and transfer the same to the file of the Family Court at Perambalur.

For Petitioner : Mr.S.Nedunchezhiyan

For Respondent : Mr.G.Saravanan

**ORDER**

The wife is the petitioner. She would state that she married the respondent on 15.09.2017. From the wedlock, a child was born on 09.07.2018 and she was named Aadhira Rukmani.

2. Subsequently, the parties have developed matrimonial differences,



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constraining them to knock on the Courts at Perambalur as well as at Ambattur. Pleading that she is unable to travel from Perambalur to Ambattur, the petitioner has moved this petition seeking transfer of proceeding in H.M.O.P.No.472 of 2023 from the file of the Sub Court at Ambattur to the file of the Family Court at Perambalur.

3. On service of summons, Mr.G.Saravanan entered appearance on behalf of the respondent. He would state that the husband has instructed him to represent that the wife has secured an employment at Life Insurance Corporation, Chennai and she is currently working there.

4. He would state that since the husband as well as the wife are within the jurisdiction of the Courts at Chennai, he would plead that the proceedings on the file of the Family Court at Perambalur be withdrawn and transferred to be tried along with the case pending on the file of the Sub Court at Ambattur.

5. On this submission being made, I requested the learned counsel for



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the petitioner to get instructions from his client and I have posted the matter today.

6. The learned counsel for the petitioner, on obtaining the instructions, would report that the wife has been given temporary employment by the Life Insurance Corporation for a period of six months alone at Chennai. He would state that the wife continues to have permanent residence only at Perambalur and she will get back to Perambalur on completion of her employment with Life Insurance Corporation.

7. In the light of the above submissions, I am of the view that since the wife has already knocked on the doors of the Family Court at Perambalur and has initiated two proceedings, namely, H.M.O.P.No.70 of 2022 as well as M.C.No.32 of 2022, I feel that it would be appropriate that the proceeding pending before the Sub Court at Ambattur is withdrawn and transferred to the Family Court at Perambalur for the purpose of disposal of all the three petitions together.

8. I am also taking into consideration the fact that there is a girl child, who is aged about 5 and a half years, who is under the custody of the



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mother. Therefore, I am inclined to allow this transfer petition.

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9. Hence, the proceeding in H.M.O.P.No.472 of 2023 pending on the file of the Sub Court at Ambattur is withdrawn and it shall stand transferred to the file of the Family Court at Perambalur. The learned Family Judge shall try the proceeding in H.M.O.P.No.472 of 2023 along with H.M.O.P.No.70 of 2022 and render a verdict in both the cases together. To that extent possible, the learned Judge is requested to post all the three cases on a single date. This is to obviate any difficulty that might be caused to the husband in travelling from Chennai to Perambalur on three different dates.

10. The learned Family Judge at Perambalur is also requested not to insist on the presence of the husband for every hearing, but he shall be directed to be present only for such hearings where his presence is indispensable. On the other hearings, he may be represented through a counsel.

11. Accordingly, the Transfer Civil Miscellaneous Petition stands allowed. No costs. Consequently, connected Civil Miscellaneous Petition is



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closed

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Index:Yes/No

Speaking Order :Yes/No

Neutral Citation:Yes/No

**V. LAKSHMINARAYANAN, J.**

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To

- 1.The Sub Court,  
Ambattur
- 2.The Family Court,  
Perambalur

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