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Tr.CMP.No.677 of 2023 &
C.M.P.No.16653 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.04.2024
Coram

THE HON'BLE MR JUSTICE V. LAKSHMINARAYANAN

Tr.CMP.No.677 of 2023 &
C.M.P.No.16653 of 2023

Kalaivani ... Petitioner

-Versus-

Parthasarathi ... Respondent

Transfer Civil Miscellaneous Petition filed under Section 24 of Code of Civil Procedure seeking to withdraw the petition in FCOP.No.95 of 2023 on the file of the Family Court at Ariyalur and transfer the same to be tried before the Sub Court at Tittagudi.

For Petitioner : *Ms.Kala*

For Respondent : *Mr.P.Saravanan*

ORDER

This Transfer Civil Miscellaneous Petition seeks for transfer of proceedings in FCOP.No.95 of 2023 from the file of Family Court at Ariyalur to the file of the Sub Court, Tittagudi.



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2. The petitioner is the wife. There is no dispute in the relationship between the petitioner and the respondent. They got married on 05.03.2021. Soon thereafter, the petitioner delivered a baby girl on 22.02.2022. Due to differences in opinion, they separated which resulted in the filing of FCOP.No.95 of 2023 on the file of the Family Court at Ariyalur on the grounds of desertion and cruelty.

3. The petitioner states that she is unable to travel from Tittagudi to Ariyalur on account of the fact that she has a newborn baby. However, she would seek for the case to be transferred to the Sub Court at Thittagudi, which is hardly 30 kms from Ariyalur.

4. Taking into consideration the overall facts, I am of the view that if the case is transferred to the Sub Court at Thittagudi neither the petitioner nor the respondent will be put to serious hardship. Before the Sub Court, they can always engage a counsel to appear on their behalf and appear in person only when their presence is essential.

5. Consequently, the Transfer Civil Miscellaneous Petition is accepted



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and it is allowed. FCOP 95/2023 pending on the file of the Family Court at Ariyalur is withdrawn and transferred to the file of the Sub Court at Thittagudi.

No costs. Consequently, connected miscellaneous petition is closed.

04.04.2024

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Index : yes / no

Neutral Citation : yes / no

Speaking / Non Speaking Order

To

- 1.The Family Court at Ariyalur
- 2.The Sub Court, Thittagudi



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V.LAKSHMINARAYANAN, J.

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