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Transfer C.M.P.No.795 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.07.2024

Coram

THE HON'BLE MR JUSTICE V. LAKSHMINARAYANAN

Transfer C.M.P No.795 of 2023 &
C.M.P.No.19287 of 2023

Dr.S.Sahana

... Petitioner

-Versus-

D.Sakthi Narayanan

... Respondent

Transfer civil miscellaneous petition filed under Section 24 of the Code of Civil Procedure to withdraw and transfer the Divorce petition in OP.No.136 of 2023 on the file of Family Court, Tiruvannamalai to try along with O.P.No.3419 of 2023 pending before VI Additional Family Court, Chennai

For Petitioner : *Mr.Uma Shankar.D*

For Respondent : *Mr.N.Ram Kumar for*
Mr.Anirudh Krishnan

ORDER

The petitioner is the wife and the respondent is the husband. The petitioner and the respondent entered into matrimony on 25.04.2022 at Puducherry. Thereafter, they started living at Tiruvannamalai. Due to disputes and differences, the parties have separated. The wife went back to Bangalore,



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where she was originally working.

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2. The husband initiated O.P.No.136 of 2023 on the file of the Family Court at Tiruvannamalai seeking divorce on the ground of cruelty. The wife, after having been served with summons, had initiated a petition for divorce on the grounds of cruelty in O.P.No.3419 of 2023 before the VI Additional Family Court at Chennai.

3. The wife would state that she has taken employment in Chennai and is currently residing here. She would state that she is finding it difficult to travel from Chennai to Tiruvannamalai to attend the hearing. Therefore, she requests a transfer.

4. Notice was ordered in the application on 25.08.2023. On service of notice, the husband entered appearance through Mr. N.Ram Kumar.

5. Mr.N.Ram Kumar would submit that the husband is now currently residing in Canada, where he is working for Cognizant Technology Solutions. He would state that the proceeding in Chennai was initiated after the



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proceeding had been initiated at Thiruvannamalai. He would point out, from the records that had been produced by him, that the wife even now is shown as working in Rainbow Children's Hospital at Marathahalli in Bangalore. He would state that the entire purpose of this petition is to harass the husband, get the proceedings transferred to Chennai, and cause him more trouble.

6. Heard both sides and went through the records.

7. The relationship between the parties is not in dispute, nor are the proceedings initiated by the respective parties seeking divorce. The wife originally was residing in Bangalore as is seen from the service of summons in O.P.136 of 2023. Subsequently, the wife moved to Chennai and invoked the jurisdiction of the Family Court, Chennai to present the divorce petition. The wife who is a working doctor, as seen from the records, would find it very difficult to travel from Chennai to Tiruvannamalai for every hearing.

8. On the contrary, the husband not being in India, if the case is transferred to Chennai or continued in Tiruvannamalai, it does not make a difference to him.



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9. Taking into consideration the convenience of the wife, the proceedings in O.P.No.136 of 2023 on the file of the Family Court at Tiruvannamalai is withdrawn and is transferred to the file of the VI Additional Family Court, Chennai to be heard and disposed of along with O.P.No.3419 of 2023. The VI Additional Family Court, Chennai need not insist upon the appearance of the husband for every hearing. For essential hearing alone, he should be present. For all other hearings, he may be represented through a counsel.

10. With the above direction, this transfer civil miscellaneous petition is allowed. No costs. Consequently, the connected miscellaneous petition is closed.

02.07.2024

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Index : yes / no

Neutral Citation : yes / no

Speaking / Non Speaking Order



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To

- 1.The Family Court, Tiruvannamalai
2. The VI Additional Family Court, Chennai



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V.LAKSHMINARAYANAN, J.

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