



Tr.C.M.P.Nos.902, 904 and 906 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.04.2024

CORAM

THE HON'BLE MR.JUSTICE V. LAKSHMINARAYANAN

Tr.C.M.P.Nos.902, 904 and 906 of 2023 and
C.M.P.Nos.21554, 21560 and 21564 of 2023

Tr.C.M.P.No.902 of 2023

P.Abinaya

... Petitioner
in all Tr.CMPs

Vs

1. U.Sasi Kumar
2. E.Uthaya Kumar
3. U.Chandirakala

... Respondents

Prayer : Petition filed under Section 24 of the Code of Civil Procedure praying to withdraw D.V.C.No.14 of 2022 pending before the Judicial Magistrate, Additional Mahila Court, Namakkal and to transfer the same to the file of Family Court, Chennai.

Tr.C.M.P.No.904 of 2023

P.Abinaya

... Petitioner

Vs

U.Sasi Kumar

... Respondent

Prayer : Petition filed under Section 24 of the Code of Civil Procedure praying to withdraw O.P.No.113 of 2023 pending before the Family



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Court, Namakkal and to transfer the same to the file of Family Court, Chennai.

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Tr.C.M.P.No.906 of 2023

P.Abinaya

... Petitioner

Vs

U.Sasi Kumar

... Respondent

Prayer : Petition filed under Section 24 of the Code of Civil Procedure praying to withdraw F.C.O.P.No.426 of 2022 pending before the Family Court, Namakkal and to transfer the same to the file of Family Court, Chennai.

For Petitioner : Mr.C.Prabakaran
in all petitions

For Respondent : Mr.K.T.S.Sivakumar
in all petitions

COMMON ORDER

Tr.C.M.P.No.902 of 2023 has been filed to withdraw D.V.C.No.14 of 2022 pending on the file of Judicial Magistrate, Additional Mahila Court, Namakkal and to transfer the same to the file of Family Court, Chennai. Tr.C.M.P.No.904 of 2023 has been filed to withdraw O.P.113 of 2023 pending on the file of Family Court, Namakkal and transfer the



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same to the file of Family Court, Chennai. Similarly, Tr.C.M.P.No.906 of 2023 has been filed to withdraw the proceedings in F.C.O.P.No.426 of 2022 pending before the Family Court at Namakkal to be transferred to the file of Family Court at Chennai.

2. The husband had originally filed a petition for restitution of conjugal rights and the wife had filed a petition for divorce. Immediately on service of summons, Tr.C.M.P.No.1341 of 2022 was filed by the wife to withdraw and transfer H.M.O.P.No.102 of 2022 from the file of learned Subordinate Court, Neyveli to the file of Family Court at Namakkal. The ground being that the petitioner is residing there with her parents and is unable to travel 150 kms to Neyveli to contest the same. Taking into consideration the difficulty expressed by the wife and considering her convenience, the restitution of conjugal rights petition in H.M.O.P.No.102 of 2022 filed by the husband was withdrawn and transferred to the file of the Family Court at Namakkal.

3. Now the petitioner has moved the aforementioned Tr.C.M.Ps. According to her, she has health issues and hence, she has now shifted her residence to Chennai. Therefore, she wants the proceedings to be transferred from Namakkal to Chennai.



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4, A petition under Section 24 of the Code of Civil Procedure, 1908 is not a game for the wife to play with. Originally she pleaded that she is residing in Namakkal and sought a transfer and this Court, taking into consideration her plea, transferred the case from Neyveli to the place where she wanted i.e., Namakkal. Today, the petitioner says she relocated herself from Namakkal to Chennai and therefore, she wants proceedings to be transferred from Namakkal to Chennai.

5. Personal laws are carried by the person, but the same does not apply to transfer of cases. Having convinced the Court to transfer the case from Neyveli to Namakkal, she cannot now turn around and say as she has shifted to Chennai, the proceedings also have to be transferred along with her. Therefore, I have no reason to interfere.

6. Accordingly, these Tr.C.M.Ps are dismissed. No costs. Consequently, the connected miscellaneous petitions are closed.

22.04.2024

Index : Yes/No

Neutral Citation : Yes/No

gpa



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To

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1. The Judicial Magistrate,
Additional Mahila Court, Namakkal
2. The Family Court
Namakkal



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V. LAKSHMINARAYANAN, J.

gpa

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