



WEB COPY



Tr.CMP.No.823 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.06.2024

CORAM

THE HONOURABLE MR.JUSTICE V.LAKSHMINARAYANAN

Tr.CMP.No.823 of 2023

and

C.M.P.No.20002 of 2023

Keerthika

.. Petitioner

Vs.

Sabaridevan

.. 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.365 of 2022 on the file of the Family Court at Cuddalore and transfer the same to the file of the Family Court at Villupuram.

For Petitioner : No Appearance

For Respondent : Mr.M.Vinoth

ORDER

The petitioner and the respondent solemnized their marriage on 12.09.2019 at TVM Thirumana Mandapam, Thirupapuliur at Cuddalore.

From the wedlock, a child, namely Nakshathra, was born on 23.06.2021.



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2. Due to disputes and differences, the parties originally approached the police by way of a police complaint which subsequently ended in a direction given by the learned Judicial Magistrate at Cuddalore on 24.02.2023.

3. The respondent/husband has initiated the proceeding in H.M.O.P.No.365 of 2022 on the file of the Family Court at Cuddalore, where he is currently working, for the relief of restitution of conjugal rights. The petitioner states that she is unable to travel from Villupuram to Cuddalore for every hearing as she has to take care of her child as well as her parents. Pleading physical inability, she has moved this transfer petition.

4. Notice was ordered in the transfer petition on 07.09.2023. The respondent/husband was served and he has entered appearance through a counsel. The matter was listed yesterday, but there was no appearance on behalf of the petitioner as well as the respondent. Therefore, I have posted the matter for hearing today. Today, the learned counsel for the petitioner is not present but the learned counsel for the respondent is present.



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5. Taking into consideration the inconvenience that will be caused to the petitioner while traveling to Cuddalore from her residence in Villupuram, along with a child who is hardly 3 years old, I am inclined to allow this transfer petition.

6. Hence, the proceeding in H.M.O.P.No.365 of 2022, which is said to be at the stage of filing of a counter, on the file of the Family Court at Cuddalore is withdrawn and it shall stand transferred to the file of the Family Court at Villupuram.

7. Needless to add, as the husband is an employee of the Court in Cuddalore, the learned Family Judge at Villupuram is 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.

8. Accordingly, the Transfer Civil Miscellaneous Petition stands



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allowed. No costs. The connected Civil Miscellaneous Petition is 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 Family Court,
Cuddalore

2.The Family Court,
Villupuram

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and
C.M.P.No.20002 of 2023

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