



Tr.CMP.No.851 of 2023

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.07.2024

CORAM

THE HONOURABLE MR.JUSTICE V.LAKSHMINARAYANAN

Tr.CMP.No.851 of 2023

and

C.M.P.No.25025 of 2023

G.Raghavi

.. Petitioner

Vs.

J.Prabhu

.. Respondent

Prayer : The Transfer Civil Miscellaneous Petition is filed under Section 24 of the Code of Civil Procedure, to withdraw the proceeding in O.P.No.1527 of 2020 pending on the file of the IV Additional Family Court at Chennai and transfer the same to the file of the Sub Court at Ponneri.

For Petitioner : Mr.A.Damodaran

For Respondent : Mr.R.Sunilkumar

ORDER



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There is no dispute in the relationship between the petitioner and the respondent. They solemnized their marriage on 04.09.2017 at Ponneri. From the wedlock, a girl child was born.

2. Alleging that the husband has withdrawn himself from the matrimonial life, the petitioner/wife has initiated the proceeding for divorce in O.P.No.1527 of 2020 before the Family Court at Chennai.

3. The address reflects that the petitioner/wife is the permanent resident of Thiruvallur, whereas, the husband is the permanent resident of West Mambalam at Chennai.

4. Subsequently, pleading that she is not able to travel from Thiruvallur to Chennai for the purpose of prosecuting the case, leaving behind the child at Thiruvallur, she has moved this transfer petition.

5. The husband has filed a counter stating that he is the resident of Kundrathur and that the Courts in Tiruvottiyur are closer to his house rather than the Courts at Ponneri. He would plead that the case may be transferred



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to the Courts at Tiruvottiyur.

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6. Heard Mr.A.Damodaran, appearing on behalf of the petitioner and Mr.R.Sunilkumar, appearing on behalf of the respondent.

7. The plea of Mr.R.Sunilkumar that the husband has to travel for every hearing to Ponneri does not hold water. This is because, in Ponneri the matters would not be dealt with by a Family Court but by a Sub Court. It is not necessary for the husband to appear for every hearing before the Sub Court. He can always be represented through a counsel there.

8. Taking into consideration the difficulties expressed by the wife as well as the fact that she is attending to a 5 year old child, I am inclined to allow this transfer petition. Hence, the proceeding in O.P.No.1527 of 2020 pending on the file of the IV Additional Family Court at Chennai is withdrawn and it shall stand transferred to the file of the Sub Court at Ponneri.

9. 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 IV Additional Family Court,
Chennai

2.The Sub Court,
Ponneri

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