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Tr.C.M.P.No.906 of 2024

THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.10.2024

CORAM:

THE HONOURABLE MR.JUSTICE V.LAKSHMINARAYANAN

Tr.C.M.P.No.906 of 2024
and
C.M.P.No.19835 of 2024

Deepa

..Petitioner

Vs.

A.Pradhyumna

..Respondent

Prayer: Transfer Civil Miscellaneous Petition filed under Section 24 of the Code of Civil Procedure, praying to withdraw and transfer the H.M.O.P.No.229 of 2023 pending on the file of the Family Court Judge at Tiruvallur to the Principal Family Court at Chennai.

For Petitioner : Ms.Limba Rubini
for Mr.S.Dinesh Babu
For Respondent : Mr.B.Rajesh Kumar



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Tr.C.M.P.No.906 of 2024

ORDER

The petitioner is the wife. She married the respondent on 08.06.2014 at Sowcarpet in Chennai. Due to disputes and differences which arose after the wife underwent an abortion on 09.10.2022, the parties have separated. The husband has initiated HMOP.No.229 of 2023 on the file of the Family Court, Tiruvallur. He has sought for divorce invoking Section 13(1)(ia) of the Hindu Marriage Act, 1955. The petitioner being a permanent resident of Acharappan Street in Chennai pleads that she is not in a position to travel from Chennai to Tiruvallur and attend the hearings. Hence, this transfer.

2. Notice was ordered in this transfer application on 09.09.2024. Notice was served and Mr.B.Rajesh Kumar, learned counsel has entered appearance for the respondent.

3. Heard Ms.Limba rubini and Mr.Rajesh Kumar for the respective parties.



Tr.C.M.P.No.906 of 2024

4. The relationship is not in dispute. A perusal of the address of service as given in HMOP.No.229 of 2023, shows that the wife is a resident of Chennai. To travel from Chennai to Tiruvallur would be difficult for the wife. She states that the husband is not supporting her financially and she is unemployed. Currently she is residing with her parents at Chennai. Taking into consideration the physical difficulties expressed by the wife to travel as well as the financial difficulties, I am inclined to consider transfer. Hence, HMOP.No.229 of 2023 is withdrawn from the file of the Family Court, Tiruvallur and transferred to the Family Court at Chennai.

5. The husband, being an independent air conditioning mechanic, would find it difficult to carry on his vocation and to attend the Court at Chennai. Therefore, the Family Court Chennai need not insist upon the appearance of the husband on every hearing. He shall be represented by the learned counsel for all essential hearings and when he is so directed to appear, he shall be present in Court.

6. In the result, the Transfer Civil Miscellaneous Petition stands



Tr.C.M.P.No.906 of 2024

allowed. No costs. Consequently, the connected miscellaneous petition is closed.

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Index : Yes/No
Internet : Yes/No
Neutral Citation : Yes/No
Speaking order / Non-Speaking order



Tr.C.M.P.No.906 of 2024

To

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- 1.The Family Court Judge,
Tiruvallur.
- 2.The Principal Family Court Judge,
Chennai.



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Tr.C.M.P.No.906 of 2024

V.LAKSHMINARAYANAN,J.

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Tr.C.M.P.No.906 of 2024

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