



Tr.CMP.No.1129 of 2023

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.04.2024

CORAM

THE HONOURABLE MR.JUSTICE V.LAKSHMINARAYANAN

Tr.CMP.No.1129 of 2023

and

C.M.P.No.27159 of 2023

L.Poorani

.. Petitioner

Vs.

A.Nirmalkumar

.. Respondent

Prayer : The Transfer Civil Miscellaneous Petition is filed under Section 24 of the Code of Civil Procedure, to withdraw the proceedings in H.M.O.P.No.452 of 2023 pending on the file of the Family Court at Salem and transfer the same to the file of the Family Court at Chennai.

For Petitioner : Mr.V.Karthikeyan
for Mr.K.Manikandan

For Respondent : Mr.V.Sekar



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ORDER

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The petitioner and the respondent were married to each other at a temple at Kongad on 03.03.2021. Subsequently, the marriage hit the rocks.

2. The petitioner/wife has moved an application in M.C.No.106 of 2022 on the file of the learned III Additional Principal Judge, Family Court at Chennai. In the meantime, the husband has filed a petition in H.M.O.P.No.452 of 2023 before the Family Court at Salem. Hence, this transfer petition has been filed by the wife seeking transfer of the proceedings from Salem to Chennai.

3. Mr.V.Sekar, appearing on behalf of the husband/respondent would contend that his client is working at Coimbatore in Amritha School of Engineering as a hostel attendant. He would plead that in case the proceedings are transferred to Chennai, it will affect his work schedule.

4. Mr.V.Karthikeyan, appearing on behalf of the petitioner, submits that the petitioner/wife, a permanent resident of Chennai at Vadapalani, is forced to fight for her maintenance, constraining her to move the Court. It



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was pursuant to the directions of this Court on 12.12.2023 that the arrears of maintenance of Rs.1,15,000/- was paid to her. He would also state that the wife is unable to travel from Chennai to Salem to attend the hearings of the case.

5. Considering the fact that the parties are already before the III Additional Family Court at Chennai in M.C.No.106 of 2022 and taking into consideration the difficulties expressed by the wife, I am inclined to allow this transfer petition. Hence, the proceeding in H.M.O.P.No.452 of 2023 which is now pending on the file of the Family Court at Salem is withdrawn and it shall stand transferred to the file of the Family Court at Chennai to be heard and tried along with the petition in M.C.No.106 of 2022.

6. It is made clear that the husband need not appear for every hearing. But he shall appear for the essential hearings. On all other hearings, he may be represented through a counsel.

7. Accordingly, the Transfer Civil Miscellaneous Petition stands



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allowed. No costs. Consequently, connected Civil Miscellaneous Petition is closed.

17.04.2024

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Index:Yes/No

Speaking Order :Yes/No

Neutral Citation:Yes/No



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V. LAKSHMINARAYANAN, J.

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To

1.The Family Court,
Salem

2.The Family Court,
Chennai

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and

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