



TR.CMP.No.1000 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.04.2024

CORAM:

THE HONOURABLE Mr.JUSTICE V.LAKSHMINARAYANAN

TR.CMP.No.1000 of 2023
and CMP.No.24159 of 2023

D.Shanthi

... Petitioner

Vs

S.Dhanamjaya

... Respondent

Prayer : Transfer Civil Miscellaneous Petition filed under Section 24 of CPC praying to withdraw H.M.O.P.No.694 of 2021 from the Family Court, Tiruchirappali and transfer the same to Family Court, Chennai.

For Petitioner : Mr.J.Devakumar

For Respondent : No appearance (served)

ORDER

The petitioner-wife has presented this petition to withdraw the petition filed by the respondent-husband in H.M.O.P.No.694 of 2021 before the Family Court, Tiruchirappali and to transfer it to Family Court, Chennai.



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2. The petitioner and the respondent got married on 02.02.1992 at Tiruchirappalli. From their wedlock, the petitioner gave birth to a girl child on 09.11.1993. Thereafter, matrimonial disputes arose between them, as a result they both got separated. The husband initiated a petition for divorce in H.M.O.P.No.694 of 2021 before the Family Court, Tiruchirappalli. The petitioner-wife is the resident of Thiruvananthapuram. She has also initiated proceedings under Domestic Violence Act against the husband before the XVIII MM Court at Saidapet, Chennai in DVC.No.101/2022. Both these proceedings are now pending on their file respectively. The petitioner has now filed this petition seeking to transfer the petition filed by the respondent in H.M.O.P.No.694 of 2021 before the Family Court, Tiruchirappalli to the Family Court, Chennai.

3. Heard Mr.J.Devakumar, learned counsel for the petitioner. Despite notice served on the respondent as early as 17.01.2024, he neither appeared in person nor through his counsel.

4.The petitioner-wife is the permanent resident of



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Thiruvananthapuram, and she is currently residing in Chennai. She has initiated domestic violence complaint in D.V.C.No.101/2022 before the XVIII Metropolitan Magistrate Court at Saidapet in Chennai. She pleads that she is unable to travel alone from Chennai to Tiruchirappalli to attend every hearings in H.M.O.P.No.694 of 2021. She also submitted that no prejudice would be caused to the respondent-husband if the said HMOP is transferred to Chennai, as he is attending the domestic violence proceedings initiated by the petitioner against him here in Chennai.

5. Taking into consideration the difficulties expressed by the petitioner in travelling from Chennai to Tiruchirappalli, and also the fact that her husband is attending the domestic violence proceedings in Chennai initiated against him, I am inclined to allow this petition.

6. Accordingly, H.M.O.P.No.694 of 2021 is withdrawn from the file of Family Court, Tiruchirappalli and is transferred to the file of Family Court at Chennai. The presence of respondent-husband need not be insisted upon by the Family Court, Chennai for every hearing. His presence is sufficient only on essential hearings, and on all other non-essential or procedural hearings,



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he may be represented through his counsel.

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7. With the aforesaid directions, this transfer civil miscellaneous petition is allowed. No costs. Consequently, the connected miscellaneous petition is closed.

23.04.2024

Index:Yes/No

Internet:Yes/No

Speaking order/Non-speaking order
ds

To:

1.The Judge

Family Court
Tiruchirappalli.

2.The Judge

Family Court
Chennai.

3.The Section Officer

VR Section, High Court, Madras.



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V.LAKSHMINARAYANAN,J.

ds

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