



WEB COPY



Tr.CMP.No.1076 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.06.2024

Coram

THE HON'BLE MR JUSTICE V. LAKSHMINARAYANAN

Tr.CMP No.1076 of 2023

and

CMP.No.25778 of 2023

R.Saranya

... Petitioner

-Versus-

G.R.Sanjeev Kumar

... Respondent

Transfer Civil Miscellaneous Petition filed under Section 24 of C.P.C. seeking to withdraw H.M.O.P No.3478 of 2023 pending on the files of The Principal Family Court, Chennai and transfer the same to The Family Court, Trichy.

For Petitioner : Mr.Om Sai Ram

For Respondent : Mr.P.S.Muralidhara Rao

ORDER

The petitioner and the respondent entered into matrimony on 21.08.2015 in Koyambedu, Chennai. From the wedlock, a child was born on 17.09.2016, who is around 8 years old today.

2. It is not in dispute that the child is in the custody of the mother. The



Tr.CMP.No.1076 of 2023

mother is a resident of Thiruvanaikovil in Trichy. She had initiated HMOP.No.566 of 2023 for divorce before the Family Court, Trichy. The husband has filed an application in HMOP.No.3478 of 2023 on the file of the Principal Family Court at Chennai for restitution of conjugal rights.

3. Pleading that she is unable to travel from Trichy to Chennai for every hearing, she has moved this transfer petition. The distance between Chennai and Trichy is about 300 km., and it would not be physically possible for a female to travel all alone or with the child, who is about 8 years old without any hindrance. She also knocked the doors of the court first by initiating divorce proceedings before the Family Court at Trichy.

4. Taking the overall circumstances into consideration, HMOP.No.3478 of 2023 before the Principal Family Court at Chennai is withdrawn and transferred to the file of the Family Court at Trichy. The learned Family Judge, Trichy shall try the said proceedings along with HMOP.No.566 of 2023 and deliver a common judgment.

5. It is made clear that the husband need not travel for attending every



Tr.CMP.No.1076 of 2023

hearing at Trichy. It is sufficient if he is present when his presence is essential and indispensable. For all other hearings, he can be represented by counsel.

6. Accordingly, this transfer civil miscellaneous petition is allowed. No costs. Consequently, the connected civil miscellaneous petition is closed.

18.06.2024

nl

Index : Yes/No
Speaking Order/Non-speaking order
Neutral Citation : yes/No

To

1. The Principal Family Court, Chennai
2. The Family Court, Trichy.



WEB COPY



Tr.CMP.No.1076 of 2023

V.LAKSHMINARAYANAN, J.

nl

Tr.CMP.No.1076 of 2023



WEB COPY



Tr.CMP.No.1076 of 2023

18.06.2024