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Tr Cmp.No.1102 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.02.2024

CORAM

THE HONOURABLE MR.JUSTICE V.SIVAGNANAM

Tr CMP.No.1102 of 2023
and
CMP.Nos.26443 and 26444 of 2023

VPriyadharshini

... Petitioner

/vs/

S.Vijaykanna

... Respondent

PRAYER : This Transfer Civil Miscellaneous Petition has been filed under Section 24 of Civil Procedure Code to withdraw the case in HMOP No.3260/2023 from the file of the II Family Court, Chennai and transfer the same to the Devakottai Sub Court, Sivagangai District.

For Petitioner

... Mr.S.Vasanthraman

For Respondent

... Mr.D.Prathap

ORDER

This Transfer Civil Miscellaneous Petition has been filed to withdraw the case in HMOP No.3260/2023 from the file of the II Family Court, Chennai and transfer the same to the Devakottai Sub Court, Sivagangai District.



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2.The learned counsel appearing for the petitioner submitted that the petitioner is wife and the respondent is husband. The respondent has filed a petition in HMOP No.3260 of 2023 for divorce against the wife before the II Family Court, Chennai. The petitioner is now residing at No.7, Jeeva Nagar first street, Karaikudi, Sivagangai District and her health condition is not in a good state to travel for such a long distance around 480 km and its costs Rs.9,000/- for travelling. Further, the petitioner is neither earning nor have any savings and she finds it very difficult to attend each and every hearing of the case before the II Family Court, Chennai. Hence, this transfer petition has been filed.

3.The learned counsel appearing for the respondent/husband submitted that on the first hearing on 15.09.2023 before the II Additional Family Court, Chennai, the petitioner and her brother have appeared at that time, the brother of the petitioner attempted to assault the respondent. Therefore, if the case is transferred to the place of the petitioner, it will be unsafe to him. He further submitted that only the respondent is taking care of the child along with his parents and hence, he objected to transfer the case from Chennai to Devakottai.



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4.I have considered the matter in the light of the submission made by the learned counsel on either side and perused the materials available on record.

5.On perusal of the records, it is seen that the petitioner is wife and the respondent is husband. The respondent has filed HMOP No. for divorce against the petitioner before the II Additional Family Court, Chennai. It is not disputed that the petitioner is the house wife and she is not having sufficient income and she finds it very difficult to attend each and every hearing of the case before the II Additional Family Court, Chennai.

6.Considering the facts and circumstances and the reason assigned by the petitioner is justifiable, this Court is inclined to transfer the case, as prayed for in the petition.

7. In view of the above, H.M.O.P.No.3260/2023 is hereby directed to be withdrawn from the file of the II Additional Family Court, Chennai and



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transferred to the Sub Court, Devakottai, Sivagangai District. The II Additional Family Court, Chennai is directed to send the entire records to the Sub Court, Devakottai, Sivagangai District, within a period of two weeks from the date of receipt of a copy of this order and on receiving the same, the learned Sub Judge, Devakottai, Sivagangai District is directed to issue notice to both parties and thereafter, dispose of the case on merits as early as possible.

8. In the result, the Transfer Civil Miscellaneous Petition is allowed.

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

Index : Yes/No
Internet : Yes/No
mst

06.02.2024

To

- 1.The II Additional Family Court, Chennai.
- 2.The Sub Court, Devakottai, Sivagangai District.



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V.SIVAGNANAM ,J.

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