



Tr.CMP.No.1036 of 2023

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.07.2024

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THE HONOURABLE MR.JUSTICE V.LAKSHMINARAYANAN

Tr.CMP.No.1036 of 2023

and

C.M.P.No.25136 of 2023

S.Sivasakthi

.. Petitioner

Vs.

V.K.Yugavaanraj

.. Respondent

Prayer : The Transfer Civil Miscellaneous Petition is filed under Section 24 of the Code of Civil Procedure, to withdraw the proceeding in H.M.O.P.No.16 of 2023 on the file of the Sub Court at Tambaram and transfer the same to the file of the Principal Family Court at Chennai.

For Petitioner : Mr.D.Anbarasan

For Respondent : Mr.P.Santhaseelan



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ORDER

The petitioner is the wife and the respondent is the husband. The marriage between the petitioner and the respondent was solemnized on 20.01.2020.

2. The respondent initially started residing at No.22, Jagajeevan Ram Street, Anandhapuram, East Tambaram, Chennai. Subsequently, due to disputes between the parties, the respondent/husband has initiated the proceeding for divorce in H.M.O.P.No.16 of 2023 before the Sub Court at Tambaram.

3. The petitioner/wife is the permanent resident of Chetpet at Chennai. She pleads that she is in financially weak condition and her father is finding it difficult to accompany her for every hearing to the Sub Court at Tambaram. She further alleges that the husband is not paying her any maintenance whatsoever nor is he giving her any payment towards her travel expenses.

4. The respondent/husband has filed a counter alleging that he finds it



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unsafe to travel to Chennai, and a criminal case is pending in Crime No.100 of 2023 against him on the file of the Chetpet Police Station. He would state that the wife was continuously ordering food on Swiggy and would not cook food at home and that on account of her act of smashing household articles, he is suffering from depression.

5. Heard Mr.D.Anbarasan, appearing on behalf of the petitioner and Mr.P.Santhaseelan, appearing on behalf of the respondent.

6. Taking into consideration the interest of the wife and the fact that she is suffering from both financial as well as physical inabilities, I am inclined to allow this transfer petition. Hence, the proceeding in H.M.O.P.No.16 of 2023 pending on the file of the Sub Court at Tambaram is withdrawn and it shall stand transferred to the file of the Principal Family Court at Chennai.

7. The learned Principal Family Judge at Chennai is requested not to insist on the presence of the husband for every hearing, but he shall be directed to be present only for such hearings where his presence is



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indispensable. On the other hearings, he may be represented through a
counsel.

8. Accordingly, the Transfer Civil Miscellaneous Petition stands
allowed. No costs. The connected Civil Miscellaneous Petition is closed.

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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 Sub Court,
Tambaram
- 2.The Principal Family Court,
Chennai

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and
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