



Tr.C.M.P.No.1078 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.07.2024

CORAM:

THE HON'BLE MR.JUSTICE V.LAKSHMINARAYANAN

Tr.C.M.P.No.1078 of 2023

and

C.M.P.No.25817 of 2023

R.Jothi

... Petitioner

VS

V.Anupriya

... Respondent

Prayer: Transfer Civil Miscellaneous Petition is filed under Section 24 of the Civil Procedure Code, 1908, to withdraw the H.M.O.P.No.70 of 2021 before the Subordinate Judge at Kancheepuram and transfer the same to Family Court at Tiruvallur.

For Petitioner : Mr.B.Deepak Narayanan

For Respondent : Mr.D.Dayalan



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ORDER

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The petitioner is the husband. He seeks for withdrawal of the proceedings in H.M.O.P.No.70 of 2021 pending before the Subordinate Court at Kancheepuram and to transfer the same to the file of the Family Court at Tiruvallur.

2. The petitioner and the respondent married on 22.04.2015. From the wedlock, a male child was born on 30.08.2017. He is now aged about 7 years. Due to disputes and differences, the husband has initiated H.M.O.P.No.70 of 2021 on the file of the Subordinate Court at Kancheepuram. The wife has also initiated Domestic Violence Case in D.V.C.No.108 of 2022 on the file of the Additional Mahila Court at Tiruvallur.

3. Pleading that the petitioner/husband is residing in Kancheepuram and he is unable to travel regularly for the purpose of attending Courts in Tiruvallur and Kancheepuram, he seeks for transfer of the proceedings initiated by him to the Family Court at Tiruvallur.

4. Notice to the respondent was ordered in the application on



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17.11.2023 and summons have been served and Mr.D.Dayalan, learned

WEB COUNSEL has entered appearance for the respondent.

5. He would state that the wife is also a resident of Tiruvallur and the child is currently studying in Tiruvallur. He states that the wife has no objection to transfer the proceedings from Kancheepuram to Tiruvallur.

6. Taking into consideration the convenience of both sides and as there are proceedings already pending before the Court at Tiruvallur, I am inclined to accept the transfer. Accordingly, H.M.O.P.No.70 of 2021 is withdrawn from the file of the Subordinate Court at Kancheepuram and transferred to the file of the Family Court at Tiruvallur. The Family Court at Tiruvallur is requested to take into consideration that the husband is travelling from Kancheepuram to Tiruvallur and to obviate the necessity to do this exercise twice, the Family Judge may consider granting a date, which is same as the date of hearing to be fixed by the Additional Mahila Court with respect to the DVC proceedings.



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7. With the above direction, the Transfer Civil Miscellaneous Petition is allowed. No costs. Consequently, the connected civil miscellaneous petition is closed.

01.07.2024

Index : Yes / No
Speaking order : Yes / No
Neutral Citation : Yes / No
dm



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To

WEB COPY

- 1.The Subordinate Judge,
Kancheepuram.
- 2.The Family Court, Tiruvallur.



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V.LAKSHMINARAYANAN, J.

dm

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