



TR CMP No.1074 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.02.2024

CORAM

THE HONOURABLE MR. JUSTICE V.SIVAGNANAM

TR CMP No.1074 of 2023

B.Ellakiya

... Petitioner

Vs.

S.Manoj Shankar

...Respondent

PRAYER: Transfer Civil Miscellaneous Petition filed under Section 24 of Civil Procedure Code, 1908 to withdraw OP No.2931 of 2023 from the file of the IV Additional Family Court at Madras and transfer the same to the file of Family Court at Tanjore.

For Petitioner : Mr.S.Nirmal Aditya

For Respondent : Mr.G.Mutharasu



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ORDER

The Transfer Civil Miscellaneous Petition is filed to withdraw OP No.2931 of 2023 from the file of the IV Additional Family Court at Madras and transfer the same to the file of the Family Court at Tanjore.

2. Learned counsel for the petitioner submits that the petitioner's child is studying in LKG at Tanjore and the petitioner is permanently residing at Tanjore. Therefore, she is unable to attend the Family Court at Chennai. Hence, the petitioner seeks to withdraw OP No.2931 of 2023 from the file of the IV Additional Family Court at Madras and transfer the same to the file of Family Court at Tanjore.

3. Learned counsel for the respondent objected to the said transfer and contended that the petitioner wife is working in an IT company at Chennai and respondent husband is also working in an IT company at Chennai. If the case is transferred to Tanjore, the respondent will be put to great



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hardship to attend the court proceedings at Family Court at Tanjore, since he is working at Chennai. Learned counsel for the respondent to show that the petitioner is working at Chennai, he has also filed the income tax form-16 filed by the petitioner's company.

4. On a perusal of the records, it is noticed that the respondent husband has filed a petition in OP No 2931 of 2023 before the IV Additional Family Court, Madras seeking divorce on the ground of cruelty. In the said petition, the address of the petitioner is mentioned at Tanjore. However, on a perusal of the IT Form-16, it is noticed that the petitioner wife is working in an IT company at Chennai. But it is contended by the petitioner wife that she is doing work at home and she has to take care of her minor child, who is studying in LKG. The said contention of the petitioner wife cannot be a ground for transferring the case from Chennai to Tanjore. The court has to see both the parties, in attending the court proceedings. Admittedly, both the parties are working in an IT company at Chennai. In these circumstances, the ground for transfer stated in the affidavit is not a acceptable one and



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there is no merit in the Transfer Civil Miscellaneous petition. Hence, the Transfer Civil Miscellaneous Petition is dismissed. There will be no order as to costs. Consequently, 25704 of 2023 is closed.

5. Learned counsel for the petitioner seeks to dispense with the personal appearance of the petitioner and the petitioner is ready to appear as and when required by the trial court.

6. Recording the same, the personal appearance of the petitioner wife is dispensed with, on condition that the petitioner shall appear before the trial court as and when required by the trial court.

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Index: Yes/No
Internet: Yes/No
mrn

To

1. The IV Additional Family Court, Madras

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2.The Family Court,Tanjore.

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V.SIVAGNANAM, J.,



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