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TR CMP No.1094 of 2023

**IN THE HIGH COURT OF JUDICATURE AT MADRAS**

**DATED:01.03.2024**

**CORAM**

**THE HONOURABLE MR. JUSTICE V.SIVAGNANAM**

**TR CMP No.1094 of 2023**

S.Jenovah

... Petitioner

Vs.

S.Prabhu

...Respondent

**PRAYER:** Transfer Civil Miscellaneous Petition filed under Section 151 of Civil Procedure Code, 1908 to withdraw IDOP No.95 of 2023 from the file of the Family Court at Chengalpattu and transfer the same to the file of the Family Court at Thiruvallur.

For Petitioner : Mr.N.Soundararajan

For Respondent : Mr.T.Ramachandran

**ORDER**

The Transfer Civil Miscellaneous Petition is filed to withdraw IDOP No.95 of 2023 from the file of the Family Court at Chengalpattu and transfer the same to the file of the Family Court at Thiruvallur.



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2. According to the petitioner, the respondent husband had filed a petition in IDOP No.95 of 2023 for restitution of conjugal rights before the Family Court at Chengalpattu and the same is pending before the court for further adjudication. Since the petitioner is residing with her parents, she could not travel to Chengalpattu for every hearing with her one year old son. The petitioner's parents are physically ill to support her. She has also filed a complaint against the respondent herein under the Domestic Violence Act 2005 before the Learned Judicial Magistrate, Ambattur in DVC No.80 of 2023 and the same was adjourned to 29.11.2023. Hence, the petitioner has filed the present transfer civil miscellaneous petition.

3. Learned counsel for the petitioner submits that since the petitioner is residing with her parents, who are physically ill to support her, she could not travel with her one year old son to Chengalpattu for every hearing. Hence, the case may be transferred to the file of the Family Court at Thiruvallur.



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4. Learned counsel for the respondent submits that the respondent has no objection.

5. Considering the grounds raised in the affidavit filed by the petitioner and the submissions made by the learned counsel for the petitioner, IDOP No.95 of 2023, pending on the file of the Family Court at Chengalpattu is hereby directed to be withdrawn and transferred to the file of the Family Court at Thiruvallur. Learned Family Court Judge, Chengalpattu is directed to send the entire records to the Family Court at Thiruvallur, within a period of two weeks from the date of receipt of a copy of this order and on receiving the same, the Family Court at Thiruvallur, is directed to issue notice to both parties and thereafter, dispose of the case on merits as early as possible.



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6. With the above direction, the Transfer Civil Miscellaneous Petition is allowed. No costs. Consequently, CMP No.26268 of 2023 is closed.

**01.03.2024**

Index: Yes/No  
Internet: Yes/No  
mrn

To  
1. The Family Court, Chengalpattu a  
2. The Family Court, Thiruvallur.



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**V.SIVAGNANAM, J.,**

mrn

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