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Tr.CMP No.1172 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.06.2024

CORAM :

THE HONOURABLE MR.JUSTICE V. LAKSHMINARAYANAN

TR.CMP No.1172 of 2023
and C.M.P.No.28024 of 2023

S.Pratibha @ Bhavathyammal		Petitioner
-Vs-		
S.Sivasakthi Ayyappan @ Esakkiappan		Respondent

Prayer : Transfer Civil Miscellaneous Petition under Section 24 of C.P.C., to withdraw HMOP No.330 of 2023 from the file of Family Court at Kanyakumari at Nagercoil and transfer the same to the Sub Court at Alandur.

For Petitioner	:	Ms.M.Rakhi
For Respondent	:	Mr.S.Suresh Kumar

ORDER

The petitioner is the wife. The petitioner and the respondent were married in 2010 at Kanyakumari. Both the parties agree that from the wedlock two children were born who are aged about 14 years and 10 years respectively. Due to differences in opinion between the petitioner and the respondent the parties are before the Court. According to the petitioner, she was forced to leave the matrimonial home and move to Chennai. The husband in the meanwhile, has initiated proceedings in H.M.O.P.No.330 of 2023 on the file of the Family Court at Nagercoil, Kanyakumari



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District.

2. The wife pleads that leaving the two children behind, she is unable to travel from Chennai to Kanyakumari and therefore seeks for the proceedings to be transferred to the file of Sub-Court at Alandur. This is because she is currently residing in Medavakkam, which falls within the jurisdictional limits of the Sub-Court, Alandur.

3. Taking into consideration the fact that the petitioner is taking care of two young children of whom one is a girl, I am inclined to consider the transfer petition. If the proceedings are transferred to the file of Sub-Court at Alandur, the husband will not be put to prejudice as he can always engage a counsel on his behalf to contest the proceedings. H.M.O.P.No.330 of 2023 on the file of the Family Court at Nagercoil, Kanyakumari District is withdrawn and the same is transferred to the file of the Sub-Court at Alandur. Consequently, Tr.C.M.P.No.1172 of 2023 is allowed. No costs. Consequently, connected miscellaneous petition is closed.

03.06.2024

Index : Yes/No

Neutral Citation : Yes/No

KST



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To

- 1.The Family Court, Nagercoil, Kanyakumari District.
- 2.The Subordinate Court, Alandur.



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V. LAKSHMINARAYANAN, J.

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