



Tr.CMP.No.1130 of 2023

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.06.2024

CORAM

THE HONOURABLE MR.JUSTICE V.LAKSHMINARAYANAN

Tr.CMP.No.1130 of 2023

and

C.M.P.No.27169 of 2023

Nitya Krishnasamy

.. Petitioner

Vs.

1.M.Vinod

2.M.Karthikeyan

.. Respondents

Prayer : The Transfer Civil Miscellaneous Petition is filed under Section 24 of the Code of Civil Procedure, to withdraw the proceeding in O.P.No.638 of 2023 pending on the file of the Sub Court at Alandur and transfer the same to the file of the Family Court at Chennai.

For Petitioner : Mr.R.D.Ashok Kumar

For R1 : Mr.B.Thirumalai

For R2 : No Appearance

ORDER



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The petitioner and the respondent entered into matrimony on 21.02.2020 at Chennai. From the wedlock, a child was born on 20.12.2020.

It is conceded by both the sides that the child is now under the custody of the mother.

2. Due to disputes and differences, the parties approached the police which resulted in filing of a complaint in C.S.R.No.66 of 2023 on the file of Madipakkam Police Station. Subsequently, the husband has initiated proceeding before the Sub Court at Alandur under Section 13(1)(i) of the Hindu Marriage Act.

3. The petitioner pleads that being a permanent resident of Kolathur, she is unable to travel from Kolathur to Alandur and therefore, she has moved this transfer petition. Her additional plea is that she is currently pursuing her doctoral programme at Savitha University, Chennai.

4. Notice was issued to the respondent and he has entered appearance through Mr.B.Thirumalai and filed a detailed counter.



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5. There are several allegations on the merits of the case and it is not for me to go into the same, since I am only dealing with the transfer applications.

6. Taking into consideration the convenience of the wife and the fact that as a student of an university at Chennai, she might find it difficult to attend the Court hearings at Alandur and also the fact that she is also taking care of a child, who is aged about three and a half years as of today, I am inclined to allow this transfer petition. Hence, the proceeding in O.P.No.638 of 2023 pending on the file of the Sub Court at Alandur is withdrawn and it shall stand transferred to the file of the Family Court at Chennai.

7. The learned Family Judge at Chennai is requested not to insist on the presence of the parties for every hearing, but they shall be directed to be present only for such hearings where their presence is indispensable. On the other hearings, they may be represented through a counsel.



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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,
Alandur

2.The Family Court,
Chennai

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and

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