



Tr.CMP.No.1128 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.06.2024

CORAM

THE HONOURABLE MR.JUSTICE V.LAKSHMINARAYANAN

Tr.CMP.No.1128 of 2023

and

C.M.P.No.27124 of 2023

S.Manonmani

.. Petitioner

Vs.

V.Muralidharan

.. Respondent

Prayer : The Transfer Civil Miscellaneous Petition is filed under Section 24 of the Code of Civil Procedure, to pass an order of withdrawal of H.M.O.P.No.1578 of 2023 filed by the respondent herein on the file of the II Additional Family Court at Chennai and transfer the same to the file of the learned Subordinate Judge at Alandur.

For Petitioner : Mr.P.Siva Muruganantham

For Respondent : M/s.K.Sridevi

ORDER

This petition has been filed by the wife. The petitioner and the respondent got married on 26.10.2020 at Chennai. From the wedlock, a female child was born, who is aged about two years today. The relationship



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between the parties has hit the rocks and they are before the Family Court in

H.M.O.P.No.1578 of 2023.

2. The wife pleads that as she is a working mother and nature of her work makes her to travel from one place to another. Therefore, she is not in a position to attend the hearings at the Family Court whenever it is posted on a day. Therefore, she has given a power of attorney to her brother Sugumar to attend the hearings.

3. In a matrimonial proceedings, a power of attorney can, at best, deal with the procedural matters and he cannot depose as to what actually transpired between a husband and a wife as it would not be within his personal knowledge. This puts the petitioner/wife in difficulty. Therefore, she seeks transfer of proceeding, for the divorce initiated by the husband, from the Family Court at Chennai to the file of the Sub Court at Alandur.

4. Taking into consideration the interest of the wife and the fact that there is a two year old child from the wedlock, I am inclined to consider the transfer petition. Hence, the proceeding in H.M.O.P.No.1578 of 2023



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pending on the file of the II Additional Family Court at Chennai is withdrawn and it shall stand transferred to the file of the Sub Court at Alandur.

5. The learned counsel for the petitioner/wife undertakes that she will file her counter within the period of four weeks from the date on which the papers are received by the Sub Court at Alandur.

6. Accordingly, the Transfer Civil Miscellaneous Petition stands allowed. No costs. The connected Civil Miscellaneous Petition is closed.

03.06.2024

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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 II Additional Family Court,
Chennai

2.The Sub Court,
Alandur

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and

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