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Tr.CMP,.No.1147 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.04.2024

CORAM :

THE HONOURABLE MR.JUSTICE V. LAKSHMINARAYANAN

Tr.CMP.No.1147 of 2023

and CMP.No.26695 of 2023

T. Sathya Gnanam D/o. Thasan

... Petitioner

VS

Abraham @ Saravanan S/o. Kumarasamy

.. Respondent

PRAYER:- The Transfer Civil Miscellaneous Petition filed under Section 24 of the Code of Civil Procedure to withdraw I.D. O.P. No.23 of 2022 pending on the file of the Additional District Court, Virudhunagar to the file of Family Court, Chennai.

For Petitioner : Mr. B. Thilak Narayanan

For Respondent : Mr. Ragavendran.R

ORDER

The petition has been filed to withdraw I.D. O.P. No.23 of 2022 pending on the file of the Additional District Court, Virudhunagar to the



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file of Family Court, Chennai.

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2. Heard Mr. B. Thilak Narayanan, learned counsel appearing for the petitioner and Mr. Ragavendran.R, learned counsel appearing for the respondent.

3. The petitioner is the wife and the respondent is the husband. She seeks transfer of I.D.O.P. No.23 of 2022 pending on the file of learned Additional District Judge, Virudhunagar to the file of Family Court at Chennai. The relationship between the parties is not in dispute. From the wedlock, a boy child was born and he is a toddler. Therefore, for the wife to travel from Chennai to Virudhunagar, leaving the child behind or taking the child with her would be an onerous task. Therefore, I am of the view that if the proceedings are transferred from Virudhunagar to Chennai, no prejudice will be caused to any party.

4. Mr. Ragavendran.R, the learned counsel appearing for the husband would submit that the husband would be put into prejudice by such an order, as he is residing at Rameswaram and hence it would be difficult to attend every hearing at Chennai and he also stated that the petitioner wife has house at Aruppukottai, which is very close to Virudhunagar.



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5. Taking into consideration the fact that the petitioner's child is a Toddler, I am inclined to transfer the proceedings in I.D. O.P. No.23 of 2022 pending on the file of the Additional District Court, Virudhunagar to the file of Family Court, Chennai. The learned Family Judge, Chennai shall take into consideration the fact that the husband is a resident of Rameswaram, which is at considerable distance from Chennai and the learned Judge is requested not to insist on the presence of the respondent husband for every hearing. For essential hearings, he shall be present and for other hearings, he shall be represented by his counsel.

6. Consequently, the transfer civil miscellaneous Petition is allowed. No costs. The connected miscellaneous petition is closed.

04.04.2024

Index:Yes/No

Speaking order/Non-speaking order

Neutral Citation:Yes/No

mjs

To

1. The Additional District Court, Virudhunagar
- 2..The Family Court, Chennai.



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V. LAKSHMINARAYANAN,J.

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