



TR CMP No.1170 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:13.03.2024

CORAM

THE HONOURABLE MR. JUSTICE V.SIVAGNANAM

TR CMP No.1170 of 2023
and C.M.P.No.28014 of 2023

R.Sangeetha

... Petitioner

Vs.

M.Gokilavasan

...Respondent

PRAYER: Transfer Civil Miscellaneous Petition filed under Section 24 of Civil Procedure Code, to withdraw and transfer the FCOP No.183 of 2023 on the file of the Family Court, Ariyalur District to the file of Sub-Court, Alandur, Chennai.

For Petitioner : Mr.S.L.Venkatesan

For Respondent : Mr.R.Subramanian

ORDER

The Transfer Civil Miscellaneous Petition is filed to withdraw the proceedings in FCOP No.183 of 2023 on the file of the Family Court, Ariyalur District and transfer the same to the file of Sub-Court, Alandur,



TR CMP No.1170 of 2023

Chennai.

2. The petitioner is wife and the respondent is husband. The petitioner got married the respondent on 26.11.2020 and due to misunderstanding they were living separately. The respondent/husband filed H.M.O.P.No.185 of 2023 seeking for divorce before the Family Court, Ariyalur and the same is pending before the court for further adjudication. Against which, the petitioner/wife filed maintenance case in M.C.No.44 of 2023 before the District Munsif cum Judicial Magistrate, Pallavaram. Besides that, the petitioner/wife filed another petition for Restitution of Conjugal Rights in O.P.No.854 of 2023 before the Subordinate Court, Alandur. Now, the learned counsel for both parties seeking to transfer of all the cases to Principal Family Court, Chennai.

3. Considering the nature of the case and also the submissions and the difficulty expressed by the both parties is justifiable, hence this Court is inclined to transfer the case, as prayed for in the petition.



TR CMP No.1170 of 2023

WEB COPY

4. Accordingly, H.M.O.P.No.185 of 2023 pending on the file of the Family Court, Ariyalur, in M.C.No.44 of 2023 on the file of District Munsif cum Judicial Magistrate, Pallavaram and O.P.No.854 of 2023 on the file of Subordinate Court, Alandur are hereby directed to be withdrawn and transferred to the Principal Family Court, Chennai. On receiving the same, the learned Principal Family Court Judge, Chennai is directed to issue notice to both parties and thereafter, dispose of the cases on merits, as early as possible.

5. With the above direction, the Transfer Civil Miscellaneous Petition is allowed. No costs. Consequently, connected miscellaneous petition is closed.

13.03.2024

Index: Yes/No
Internet: Yes/No
mpa

To
1. The Principal Family Court, Chennai.

3 of 5



TR CMP No.1170 of 2023

2. The Family Court, Ariyalur District.
3. The District Munsif cum Judicial Magistrate, Pallavaram.
4. The Subordinate Court, Alandur.

V.SIVAGNANAM, J.,

mpa

TR CMP No.1170 of 2023
and C.M.P.No.28014 of 2023



WEB COPY



TR CMP No.1170 of 2023

13.03.2024