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Tr Cmp.No.1174 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.02.2024

CORAM

THE HONOURABLE MR.JUSTICE V.SIVAGNANAM

Tr CMP.No.1174 of 2023

&

CMP.No.28056 of 2023

R.Subhashree	...	Petitioner
	/vs/	
T.K.Logesh Kumar	...	Respondent

PRAYER : This Transfer Civil Miscellaneous Petition has been filed under Section 24 of Civil Procedure Code to withdraw the proceedings in O.P.No.197 of 2023 on the file of Subordinate Judge, Poonamallee and transfer the same to the Family Court, Thiruvannamalai.

For Petitioner	...	Mr.K.Kulandaivelu
For Respondent	...	Mr.K.Pattabhi

ORDER

This Transfer Civil Miscellaneous Petition has been filed to withdraw the proceedings in O.P.No.197 of 2023 on the file of Subordinate Court, Poonamallee and transfer the same to the Family Court, Thiruvannamalai.



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2.The learned counsel appearing for the petitioner submitted that the petitioner is wife and the respondent is husband. The respondent filed H.M.O.P.No.197 of 2023 on the file of the Subordinate Court, Poonamallee for divorce against the petitioner. The petitioner filed F.C.O.P.No.164 of 2023 on the file of the Family Court, Thiruvannamalai for restitution of conjugal rights, which is pending. Further submitted that the petitioner is having 1 ½ year old son and she is residing with her parents house at Polur Taluk, Thiruvannamalai. The respondent filed H.M.O.P.No.197 of 2023 for divorce, in which also, he mentioned the petitioner's address at Thiruvannamalai. Under these circumstances, the distance between Tiruvannamalai and Poonamallee is 200 kms and she got 1 ½ year old son and she finds it very difficult to attend each and every hearing of the case before the Subordinate Court, Poonamallee. Hence, she prays to transfer the case in O.P.No.197 of 2023 to the Family Court, Thiruvannamalai, for joint trial and prayed to allow the transfer civil miscellaneous petition.



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3.The learned counsel appearing for the respondent objected and also submitted that the respondent is represented by his father in both the Courts and he is ready to bear the expenses to his wife for travel from Thiruvannamalai to Poonamallee, though the distance is 200 kilometers. Hence, he prayed to dismiss the transfer civil miscellaneous petition.

4.I have considered the matter in the light of the submissions made by the learned counsel on either side and perused the materials available on records.

5.On perusal of the records, it is noticed that the respondent/husband filed H.M.O.P.No.197 of 2023 on the file of the Subordinate Court, Poonamallee for divorce against the petitioner and the petitioner/wife filed F.C.O.P.No.164 of 2023 on the file of the Family Court, Thiruvannamalai for restitution of conjugal rights. It is not disputed that the petitioner is having 1 ½ year old son and residing with her parents' house at Polur Taluk, Thiruvannamalai and the distance between Tiruvannamalai and



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Poonamallee is 200 kms.

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6.Considering the facts and circumstances and the reason assigned by the petitioner is justifiable, this Court is inclined to transfer the H.M.O.P.No.197 of 2023 from the file of the Subordinate Court, Poonamallee, to the Family Court, Thiruvannamalai for joint trial in F.C.O.P.No.164 of 2023.

7.In view of the above, H.M.O.P.No.197 of 2023 is directed to be withdrawn from the file of the Subordinate Court, Poonamallee and transferred to the file of the Family Court, Thiruvannamalai for joint trial in F.C.O.P.No.164 of 2023. The Subordinate Court, Poonamallee is directed to send entire records to the Family Court, Thiruvannamalai, within a period of two weeks from the date of receipt of a copy of this order and the learned Family Judge, Thiruvannamalai is directed to issue notice to the respondent and dispose of the cases as early as possible, preferably within a period of three months from the date of this order.



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5. Accordingly, this Transfer Civil Miscellaneous Petition is allowed.

No costs. Consequently, the connected miscellaneous petition is closed.

Index : Yes/No
Internet : Yes/No
sms

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To

1.The Subordinate Court,
Poonamallee.

2.The Family Court,
Thiruvannamalai.



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V.SIVAGNANAM,J.

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