



WEB COPY



Tr.CMP No.1151 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.06.2024

CORAM :

THE HONOURABLE MR.JUSTICE V. LAKSHMINARAYANAN

TR.CMP No.1151 of 2023
and C.M.P.No.27713 of 2023

Aravind Sathya

.... Petitioner

-Vs-

Lahari Ramakrishnan

.... Respondent

Prayer : Transfer Civil Miscellaneous Petition under Section 24 of C.P.C., to withdraw HMOP No.247/2023 pending on the file of Family Court, Cuddalore to Sub Court, Chengalpattu to be tried with HMOP No.113/2023.

For Petitioner : Mr.G.V.Sridharan
For Respondent : Mr.Prahlad K Bhat

ORDER

The petitioner is the husband. He had initiated H.M.O.P.No.113 of 2023 on the file of the Subordinate Court at Chengalpattu for restitution of conjugal rights. In the meantime, the wife initiated a proceedings in H.M.O.P.No.247 of 2023 on the file of the Family Court at Cuddalore seeking for divorce. Stating that the respondent has filed the application after he had initiated the proceedings for restitution of conjugal rights, the husband is before me seeking transfer of proceedings from Cuddalore to Chengalpattu.



Tr.CMP No.1151 of 2023

2. When I took up the matter for hearing on 18.04.2024, Mr.G.V.Sridharan appearing for the petitioner reported that, on account of the litigation pending between the parties, the husband is given access to the child who is aged about 9 years today. Therefore, in order to have a confidence building measure and since I do not want the child to suffer parental alienation, with the consent of both sides, it was decided that the father will visit the child twice during the ensuing holidays and posted the matter for hearing today.

3. When I took up the matter today, Mr.G.V.Sridharan states that the petitioner had an opportunity to interact with the child in Court. In addition, Mr.Prahlad Bhat appearing for the respondent wife would state that the petitioner husband had visited the father-in-law's house at Cuddalore and had spent quality time with the child on 02.06.2024.

4. Taking into consideration the overall circumstances, as the respondent is taking care of a minor child who is aged about 9 years and since she will have difficulty in travelling from Cuddalore to Chengalpattu, I am inclined to transfer the proceedings not to the place the petitioner seeks for, but to the place where the respondent is residing.



Tr.CMP No.1151 of 2023

5. Accordingly, H.M.O.P.No.113 of 2023 now pending on the file of the Subordinate Judge, Chengalpattu is withdrawn and transferred to the file of the Family Court at Cuddalore to be heard and tried along with H.M.O.P.No.247 of 2023. Both sides agree that the arrangement which had been made by this Court on 18.04.2024 would continue without prejudice to the rights of the respective parties in O.P.No.245 of 2024 pending on the file of this Court. In other words, the husband will be permitted by the respondent wife to have visitation rights to the child on every Sunday between 10.00 a.m. to 12.00 p.m., at the residence of the respondent at Cuddalore. The visitation rights granted in this order is subject to further orders that will be passed by this Court in O.P.No.245 of 2024.

6. With the above directions, the Tr.C.M.P.No.stands allowed not as sought for by the petitioner, but with the above modifications made supra. No costs. Consequently, connected miscellaneous petition is closed.

10.06.2024

Index : Yes/No

Neutral Citation : Yes/No

KST

To

- 1.The Subordinate Judge, Chengalpattu
- 2.The Family Court, Cuddalore.



WEB COPY



Tr.CMP No.1151 of 2023

V. LAKSHMINARAYANAN, J.

KST

TR.CMP No.1151 of 2023

10.06.2024