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TR.CMP.No.1179 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.07.2024

CORAM:

THE HONOURABLE Mr.JUSTICE V.LAKSHMINARAYANAN

TR.CMP.No.1179 of 2023
and CMP.No.28202 of 2023

A.Jeevitha

... Petitioner

Vs

R.Karthick

... Respondent

Prayer : Transfer Civil Miscellaneous Petition filed under Section 24 of the Civil Procedure Code praying to withdraw the H.M.O.P.No.3921 of 2023 which is pending on the file of the VI Additional Family Court at Chennai and transfer the same before the Family Court at Tiruchirappalli.

For Petitioner : Mr.M.Jaikumar
For Respondent : M.Saravana Kumar

ORDER

The petitioner-wife has presented this petition to withdraw the petition in H.M.O.P.No.3921 of 2023 filed by the respondent-husband before the VI Additional Family Court at Chennai and transfer it to Family Court at Tiruchirappalli.

2. The petitioner is the wife. She married the respondent on 28.06.2021



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at Arulmighu Mariamman Thirukovil at Samayapuram. They set up their matrimonial home in Chennai. The petitioner alleges that the respondent-husband used to return home after consuming alcohol and assaulted her both physically and verbally. Therefore, she had gone back to her parental home at Thiruvanaikovil in Tiruchirappalli.

3. The respondent-husband is a native of Chennai but employed at Abudhabi Airways. Due to the disputes and differences that arose between the husband and wife, the husband through his Power Agent had initiated proceedings for divorce in H.M.O.P.No.3921 of 2023 before the VI Additional Family Court, Chennai.

4. It is accepted by both sides that the respondent-husband is not a resident of India, but is residing abroad. The wife pleads that she is unable to travel a distance of 335 kms from Trichy to Chennai to attend the hearings at Chennai. Hence, this transfer petition.

5. Here is a case where the husband is not a resident of Chennai but is residing abroad. He had filed the divorce petition through his brother who is his



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Power Agent. Admittedly, the wife is a resident of Thiruvanaikovil in Tiruchirappalli, which is separated by a vast distance of about 335 kms. from Chennai. According to her, it requires approximately 5 hours and 45 minutes time to reach Chennai. She is about 28 years old and finds it difficult to travel such a long distance all alone and return safely to her house at Thiruvanaikovil after attending the court hearings.

6. Taking into consideration the interest of wife and the difficulties expressed by her, I am inclined to consider the transfer. H.M.O.P.No.3921 of 2023 which is now pending on the file of VI Additional Family Court at Chennai is withdrawn from its file and transferred to Family Court at Tiruchirappalli.

7. With the above directions, this transfer petition is allowed. No costs. Consequently, connected miscellaneous petition is closed.

24.07.2024

Index:Yes/No

Neutral Citation : Yes / No

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V.LAKSHMINARAYANAN,J.

ds

To:

- 1.The VI Additional Family Court
Chennai.
- 2.The Family Court
Tiruchirappalli
- 3.The Section Officer
VR Section, High Court, Madras.

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