



WEB COPY



Tr.C.M.P.No.1225 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04..10..2024

Coram

THE HONOURABLE MR.JUSTICE V.LAKSHMINARAYANAN

Transfer Civil Miscellaneous Petition No.1225 of 2023

and

C.M.P.No.29209 of 2023

S.Sangeetha (alias) Evanjalini

..... Petitioner

-Versus-

M.Rajkumar

..... Respondent

Petition filed under Section 24 of the Code of Civil Procedure,1908, to withdraw the I.D.O.P. No.211 of 2023 on the file of the learned Judge, Family Court at Chengalpet to transfer the same to the Family Court at Chennai.

For Petitioner : Mr.G.Paul Einstein

*For Respondent : Mrs.Thenral
for Mr.B.Balavijayan*

ORDER

This Transfer Miscellaneous Petition is filed seeking to withdraw the I.D.O.P.No.211 of 2023 on the file of the learned Judge, Family Court at Chengalpet and to transfer the same to the Family Court at Chennai.



Tr.C.M.P.No.1225 of 2023

2. By consent, the main transfer petition itself is taken up for disposal.

WEB COPY

3. The petitioner is the wife and the respondent is the husband. They entered into matrimony as per Christian rites and customs on 06.03.2020 at Chennai. Thereafter, due to disputes and differences, the parties have separated. The respondent/husband has initiated proceedings for restitution of conjugal rights under Section 32 of the Divorce Act, 1869, before the Family Court at Chengalpattu. This was taken on file as I.D.O.P.No.211 of 2023.

4. The wife pleading that she is permanently residing at Vyasarpadi in Chennai and therefore, she is unable to travel to Chengalpattu to attend every hearing has moved the present transfer petition.

5. Notice was ordered on 02.01.2024 and an interim order of stay was also granted. Mr.B.Balavijayan entered appearance for the respondent/husband.

6. Mr.S.Thendral appearing on behalf of Mr.B.Balavijayan for the respondent/husband, submitted that the respondent/husband has no objection for the transfer of I.D.O.P.No.211 of 2023 pending on the file of the learned Judge, Family Court at Chengalpattu, to the Family Court at Chennai.

7. A perusal of the papers shows that the petitioner/wife is aged about 25 years and is a resident of Vyasarpadi in Chennai. She finds it difficult to travel to Chengalpattu all alone to attend every hearing.



Tr.C.M.P.No.1225 of 2023

WEB COPY

8. Taking into consideration the no objection tendered by the respondent/husband and also the fact that since the respondent/husband is already travelling to Chennai to attend the proceedings initiated by the petitioner/wife in D.V.C.No.129 of 2023 on the file of the Additional Mahila Court, Chennai, no prejudice will be caused to him, if the proceeding in I.D.O.P.No.211 of 2023 is brought from the file of the Family Court at Chengalpattu to the file of Family Court at Chennai.

In the result, the Transfer Civil Miscellaneous Petition is allowed. The proceeding in I.D.O.P.No.211 of 2023 pending on the file of the Family Court at Chengalpattu is withdrawn and transferred to the file of the Family Court at Chennai. The Metropolitan Magistrate concerned at Additional Mahila Court, Chennai, to the extent possible, is requested to give a date in D.V.C.No.129 of 2023 that will align with the date that is given by the Family Court at Chennai so as to obviate the requirement of the respondent/husband to travel twice to attend to the litigation. No costs. Consequently, connected CMP is closed.

Index : yes / no
Neutral Citation : yes / no
kmk

04..10..2024



WEB COPY



Tr.C.M.P.No.1225 of 2023



Tr.C.M.P.No.1225 of 2023

To

- 1.The Judge, Family Court, Chengalpattu.
- 2.The Principal Judge, Principal Family Court, Chennai.
- 3.The Metropolitan Magistrate, Additional Mahila Court, Egmore, Chennai.



WEB COPY



Tr.C.M.P.No.1225 of 2023

V.LAKSHMINARAYANAN.J.,

kmk

Tr.C.M.P.No.1225 of 2023

04..10..2024