



Tr.CMP.No.1218 of 2023

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.06.2024

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THE HONOURABLE MR.JUSTICE V.LAKSHMINARAYANAN

Tr.CMP.No.1218 of 2023

and

C.M.P.No.29034 of 2023

B.Thara

.. Petitioner

Vs.

J.Balaji

.. Respondent

Prayer : The Transfer Civil Miscellaneous Petition is filed under Section 24 of the Code of Civil Procedure, to withdraw the proceeding in H.M.O.P.No.152 of 2023 on the file of the Sub Court at Ponneri and transfer the same to the file of the Sub Court at Tambaram.

For Petitioner : Mr.P.Thirumalaivasan

For Respondent : Mr.K.A.Ramachandran

ORDER

The petitioner and the respondent entered into matrimony on 01.02.2004 at Sri Vallakottai Murugan Temple at Sriperamputhur. From the wedlock, two children were born. One of whom is a major and the other is



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still a minor of 12 years old.

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2. The petitioner and the respondent separated due to matrimonial differences. The petitioner, who is having the custody of the minor child, has shifted to her parents home at Tambaram. The husband, taking advantage of the fact that the matrimonial home had been set up within the jurisdiction of the Sub Court at Ponneri, has proceeded to file the proceeding in H.M.O.P.No.152 of 2023 before the said Court.

3. Pleading that the husband is not maintaining her and also the fact that she is unable to travel from Tambaram to Ponneri for every hearing, she has filed this transfer petition before this Court.

4. Notice was ordered in this application on 21.12.2023. Notice was served on the respondent and he has entered appearance through a counsel. I had adjourned the matter on 07.06.2024, 10.06.2024, 11.06.2024 and yet again on 12.06.2024, waiting for the appearance to be made on behalf of the respondent. On none of these dates, there has been any representation by the learned counsel. Being left with no other option, I am entering to pass order



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on the merits of the case.

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5. Taking into consideration the fact that there is a minor child being taken care of by the petitioner and also the fact that the distance between Ponneri and Tambaram would be considerable, I am inclined to allow this transfer petition. Hence, the proceeding in H.M.O.P.No.152 of 2023 pending on the file of the learned Subordinate Judge at Ponneri is withdrawn and it shall stand transferred to the file of the learned Subordinate Judge at Tambaram for disposal in accordance with law.

6. Accordingly, the Transfer Civil Miscellaneous Petition stands allowed. No costs. The connected Civil Miscellaneous Petition is closed.

12.06.2024

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Index: Yes/No

Speaking Order : Yes/No

Neutral Citation: Yes/No



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V. LAKSHMINARAYANAN, J.

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To

1.The Sub Court,
Ponneri

2.The Sub Court,
Tambaram

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and

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