



Tr.C.M.P.No.10 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.06.2024

CORAM

THE HONOURABLE MR.JUSTICE M.NIRMAL KUMAR

Tr.C.M.P.No.10 of 2024 and
C.M.P.No.309 of 2024

J.Nilaa

... Petitioner

Vs.

V.G.Prithivi

... Respondent

PRAYER: Transfer Civil Miscellaneous Petition filed under Section 24 of the Code of Civil Procedure, to withdraw and transfer the HMOP.No.639 of 2023 on the file of the learned Principal Family Court at Madurai to Subordinate Court at Thiruvotriyur.

For Petitioner : Mr.S.Manoharan

For Respondent : Mr.V.V.Sariram

ORDER

This Transfer Civil Miscellaneous Petition has been filed to withdraw H.M.O.P.No.639 of 2023 pending on the file of the Principal Family Court at Madurai and transfer the same to the file of the Subordinate Court at Thiruvotriyur.



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2.The petitioner is the estranged wife of the respondent. According to the learned counsel for the petitioner, the respondent filed H.M.O.P.No.639 of 2023 seeking divorce on the ground of cruelty, desertion and mental agony. The petitioner after the matrimonial discord is living with her parents in Chennai along with her infant baby born on 05.06.2022. The infant is a toddler needs care of the petitioner. The petitioner being a graduate of BHMS (Homeopathy) is now seeking employment to sustain herself in Chennai. Presently she is at the guidance and support of her parents in Chennai. In such circumstances, forcing her to travel Madurai to attend the Court is an arduous task.

3.The learned counsel for the respondent without going into the merits of the contention of the petitioner admits that the respondent is presently residing with her parents in Chennai and he has got no objection for transferring H.M.O.P.No.639 of 2023 to the file of the Family Court at Chennai. The learned counsel for the petitioner is agreeable for transfer of the case in H.M.O.P.No.639 of 2023 from the Principal Family Court at Madurai to the Family Court at Chennai instead of Subordinate Court



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Thiruvotriyur. Since the Family Court at Chennai is an exclusive Court for matrimonial cases, the case can be decided speedily and accessibility to the Court is also without much difficulty.

4.In view of the no objection of the learned counsel for the respondent and considering the difficulty of the petitioner to travel Madurai with infant, this Court is inclined to transfer H.M.O.P.No.639 of 2023 to the Family Court at Chennai.

5.Accordingly, this Court withdraws H.M.O.P.No.639 of 2023 from the file of the Principal Family Court at Madurai and transfers the same to the file of the Principal Family Court at Chennai. Thereafter, the learned Principal Judge, Family Court at Chennai to assign the case for disposal to the appropriate Family Court.

6.In the result, this transfer civil miscellaneous petition stands disposed of. Consequently, connected civil miscellaneous petition is closed.
No costs.

25.06.2024

Speaking Order/Non Speaking Order

Index : Yes/No

Internet : Yes

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M.NIRMAL KUMAR, J.

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To

- 1.The Principal Family Court at Madurai.
- 2.The Principal Judge,
Family Court at Chennai.

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