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Tr.C.M.P.Nos.59 & 60 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: **27.01.2025**

CORAM :

THE HONOURABLE MR.JUSTICE V. LAKSHMINARAYANAN

Tr.C.M.P.Nos.59 & 60 of 2025
& C.M.P.Nos.1289 & 1291 of 2025

In both Tr.CMPs.

R.Radhika

.. Petitioner

Vs

G.Ramesh Babu

.. Respondent

Common Prayer: Transfer Civil Miscellaneous Petitions are filed under Section 24 of the C.P.C., to withdraw the cases in H.M.O.P.Nos.3980 & 3490 of 2019 pending on the file of the Principal Family Court, Chennai and transfer the same to any other Family Court in Chennai.

In both Tr.CMPs.

For Petitioner : Mr.R.Thiagarajan

For Respondent : Mr.J.Saravanel

Mr.V.Vasanthakumar, Adv. Commissioner

COMMON ORDER



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Both these transfer petitions have been presented seeking withdrawal of the proceedings from the learned Principal Judge, Family Court, Chennai and transfer the same to any other Family Court in Chennai.

2.The reason for the transfer being that the petitioner apprehends the learned Principal Judge, Family Court, Chennai will not grant time for the purpose of examination of her mother as R.W.2.

3.When the matter came up for admission, I requested Mr.R.Thiagarajan to serve the papers on Mr.J.Saravanel, the learned counsel, who represents the respondent/husband in the Court below.

4. I heard both sides.

5.I have considered the submissions of both the counsels. I posted the matter today to enable Mr.R.Thiagarajan to give a date on which R.W.2 would be fit enough to depose evidence in both the proceedings.

6.Mr.R.Thiagarajan reports that R.W.2 is suffering from illness and



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she has been advised by the Doctor to take rest till the first week of February, 2025.

7.The proceedings have been initiated in the year 2013 and have suffered several adjournments. Pursuant to the order of this Court in C.R.P.No.2765 of 2024, dated 18.09.2024, the matter is progressing. At this stage, if I were to withdraw the proceedings from the Principal Family Court, Chennai and send it to an other Court, it will only add to the delay and increase the litigation stress and agony of the parties. At the same time, I should recollect that a witness, who is sick, should not be forced to come to the Court to depose evidence.

8.Hence, I pass the following order:

(i) *Mr.V.Vasanthakumar, Advocate, Enrollment No.1970/2005, Mobile No.94437 99510, Solicitorvasanth@gmail.com, No.3, 1st street, Railway colony, Off. Nelson Manickam Road, Aminjikarai, Chennai-600 029* is appointed as an Advocate Commissioner to record the evidence of R.W.2.

(ii) The cost of the Advocate Commissioner shall be **Rs.10,000/-**



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per day for recording of the deposition.

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(iii) The Advocate Commissioner has expressed his readiness and willingness to record the evidence at **10.00 a.m.** on **08.02.2025** and **09.02.2025**.

(iv) Both the counsels shall co-operate with the Advocate Commissioner for recording of evidence.

(v) In case, any objections are made by either of the parties during the recording of deposition, the Advocate Commissioner shall make note of the objections that is so made. He shall continue with the examination and cross-examination. The questions and the answers will be recorded and the objections to the said questions, if any, will be taken down subsequently.

(vi) The time that had been granted by this Court in C.R.P.No.2765 of 2024 for the disposal of both the H.M.O.P.Nos.3980 & 3490 of 2019 is extended only to enable the parties to complete the trial.

(vii) The learned Judge shall enter upon the judgment by **15.04.2025**.

(viii) It is made clear that no further extension of time will be granted.

(ix) As the date has been fixed by this Court with the consent of



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both sides' counsels, a separate notice need not be issued by the Advocate
Commissioner intimating the date of recording of evidence to the parties.

9.With the above directions, both the transfer petitions stand
disposed of. No costs. Consequently, connected miscellaneous petitions
are closed.

27.01.2025

Index:Yes/No
Speaking order/Non-speaking order
Neutral Citation:Yes/No

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**Note:The Registry shall issue warrant to the learned Advocate
Commissioner by E-mail.**

To

The Principal Family Court, Chennai.

V. LAKSHMINARAYANAN,J.



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