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Tr.C.M.P.No.189 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: **24.01.2025**

CORAM :

THE HONOURABLE MR.JUSTICE V. LAKSHMINARAYANAN

Tr.C.M.P.No.189 of 2024
& C.M.P.No.3708 of 2024

M.Rajani

.. Petitioner

Vs

P.Sathya Narayanan

.. Respondent

Prayer: Transfer Civil Miscellaneous Petition is filed under Section 24 of the C.P.C., to withdraw the case in H.M.O.P.No.4618 of 2023 pending on the file of the Principal Family Court, Chennai and transfer the same to the file of the Judicial Magistrate's Court, Arcot, Ranipet District and to be tried along with M.C.No.8 of 2019 and D.V.C.No.1 of 2020.

For Petitioner : Mr.D.Thirumoorthy

For Respondent : Ms.Geeta Ramaseshan



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ORDER

This transfer petition is at the instance of the wife. She seeks withdrawal of H.M.O.P.No.4618 of 2023 from the file of the Principal Family Court, Chennai and transfer the same to the file of the learned Judicial Magistrate, Arcot, Ranipet District, to be tried along with M.C.No.8 of 2019 and D.V.C.No.1 of 2020.

2.I heard both sides. I have gone through the entire records.

3.The petitioner is the wife and respondent is the husband. The petitioner married the respondent on 30.10.2017. The husband has presented H.M.O.P.No.2464 of 2019 for restitution of conjugal rights. Subsequently, the parties agreed to reunite and hence, the petition was disposed of on 09.03.2020. Thereafter, they separated again. Hence, the wife has initiated M.C.No.8 of 2019 and D.V.C.No.1 of 2020 on the file of the Judicial Magistrate's Court, Arcot, Ranipet District. The husband has initiated H.M.O.P.No.4618 of 2023 on the file of the Principal Family Court, Chennai seeking for divorce on the ground of cruelty. Hence, this petition is at the instance of the wife for transfer of the



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proceedings from the Principal Family Court at Chennai to the
Magistrate's Court at Arcot.

4.The prayer *ex facie* is not maintainable. The Judicial Magistrate's Court at Arcot does not possess the jurisdiction to try the family proceedings. Hence, the prayer sought for by the petitioner/wife is rejected.

5.Taking into consideration the distance between Arcot and Chennai is about 200 kilometers to and fro, H.M.O.P.No.4618 of 2023 is withdrawn from the file of the Principal Family Court at Chennai and transferred to the file of the Subordinate Court at Arcot, Ranipet District.

6.With the above observations, the Transfer Petition is ordered. No costs. Consequently, connected miscellaneous petition is closed.

24.01.2025

Index:Yes/No

Speaking order/Non-speaking order

Neutral Citation:Yes/No

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V. LAKSHMINARAYANAN,J.

Kj

To

- 1.The Principal Family Court at Chennai.
- 2.The Subordinate Court at Arcot, Ranipet District.

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& C.M.P.No.3708 of 2024

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