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Tr.C.M.P.No.163 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.03.2025

CORAM

THE HON'BLE Ms.JUSTICE P.T.ASHA

Tr.C.M.P.No.163 of 2025
and C.M.P.No.3205 of 2025

V.J.Priyanka

... Petitioner

Vs

K.I.Lokesh Krishnan

... Respondent

PRAYER: Transfer Civil Miscellaneous Petition is filed under Section 24 of Civil Procedure Code, to withdraw H.M.O.P.No.136 of 2024 from the file of the Sub Court, Alandur and transfer to the file of the Sub Court, Tambaram.

For Petitioner : Mr.N.Sivaprakash

For Respondent : Mr.Thomas T.Jacob

ORDER

The respondent /wife has filed the above Tr.C.M.P seeking to transfer H.M.O.P.No.136 of 2024 pending on the file of the Subordinate Court, Alandur to the file of the Subordinate Court, Tambaram.

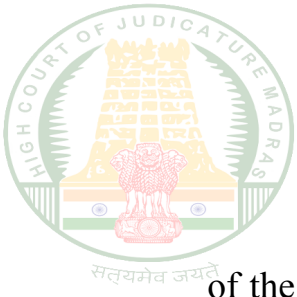
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2. The petitioner seeks transfer on the ground that the learned Subordinate Judge at Alandur has not been giving sufficient time right from taking on file H.M.O.P.No.136 of 2024. The matter was originally pending before the III Additional Family Court at Chennai in H.M.O.P.No.4188 of 2021 which was later transferred to the file of the Subordinate Court at Alandur and re-numbered as H.M.O.P.No.136 of 2024. After transfer, during the first hearing on 03.04.2024, notice was ordered to the petitioner herein as well as the respondent and they had been served for the hearing on 03.07.2024. The matter was later called on 18.07.2024 for evidence and on the very same day, the learned Subordinate Judge had informed that P.W.1 evidence had been closed by the learned III Additional Judge, Family Court, Chennai and that the case would be posted on 13.08.2024. This fact was not informed by her previous counsel. The petitioner would submit that she had engaged the services of the present counsel on 13.08.2024. On 04.10.2024, two applications were filed one for re-opening the evidence of P.W1 and the other for the examination of P.W1 However, the applications were neither numbered nor returned by the learned Judge. Without disposing



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of the said applications, on 27.09.2024, the Court had proceeded to close the evidence on the petitioner's side and posted the matter for arguments on 16.10.2024. The learned Subordinate Judge was relying upon the orders of this Court directing an early disposal.

3. It is the contention of the petitioner that she is not aware about the contents of the order of this Court dated 05.09.2024. She would submit that the learned Subordinate Judge is proceeding in such haste and not even giving her time to substantiate her case. Therefore, she is apprehensive that she may not get justice, as it appears to be hurried. Hence, this Tr.C.M.P.

4. Heard the learned counsels on either side and perused the materials available on record.

5. Admittedly, when the matter was transferred from the II Additional Family Court, Chennai to the Subordinate Court, Alandur, it was at the stage of further examination of P.W.1. Notice has been served



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on the petitioner and the respondent for the hearing on 03.07.2024.

Immediately on 18.07.2024, the evidence had been closed. The above narration of events clearly shows that in order to comply with the orders of the Court, the learned Judge has proceeded hastily without giving the parties adequate time to properly address their case and such hurried judicial proceedings could lead to justice being derailed. Therefore, it would be in the interest of both parties and in the interest of justice that the transfer be allowed.

6. Accordingly, this Transfer Civil Miscellaneous Petition is allowed and H.M.O.P.No.136 of 2024 pending on the file of the Subordinate Court, Alandur shall stand withdrawn and the same is transferred to the file of the Subordinate Court, Tambaram. No Costs. Consequently, the connected Civil Miscellaneous Petition is closed.

21.03.2025

srn

To

1. The Subordinate Court, Alandur
2. The Subordinate Court, Tambaram

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P.T.ASHA, J.,

srn

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