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Tr. C.M.P.No. 320 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 28.03.2025

CORAM

THE HONOURABLE Ms. JUSTICE P.T. ASHA

Tr.C.M.P.No. 320 of 2024

&

C.M.P.No. 6547 of 2024

K.Nithya

...Petitioner

Vs.

P.Kesavan

...Respondent

Prayer: Transfer Petition is filed under Section 24 of the CPC, to withdraw HMOP.No.202 of 2022 pending on the file of the Sub Court, Kumbakonam to transfer to the file of the Family Court, Chennai.

For Petitioner : Mr. L.Dhamodharan

For Respondent : Ms. P.Srividhya

ORDER

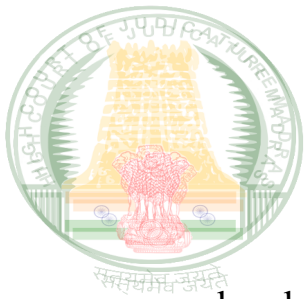


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The above Transfer Petition has been filed by the wife. The petitioner would submit that she had married the respondent on 28.08.2020 at Kumbakonam. After the marriage she and the respondent had set up their matrimonial home at Hyderabad. Initially the marriage sailed smoothly but within 6 months cracks appeared in the marital life. This was on account of the fact that the respondent started demanding her money and property from her family.

2. Meanwhile the petitioner had conceived and she had to go to her parent's place at Kumbakonam. During this period the respondent had not bothered to visit her nor sent her any money. On 03.07.2021, she had given birth to a girl child and after a long time the respondent had visited the child with his relatives and the visit ended in a wordy quarrel. The petitioner had to lodge a Police complaint.



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3. The petitioner's contention is that the respondent had visited her house with rowdy elements and had attacked her mother causing serious injury to her. A police complaint had been given in this regard and fearing legal action the respondent had hurriedly filed HMOP.No.202 of 2022 on the file of the Sub Court, Kumbakonam, invoking Section 9 of the Hindu Marriage Act.

4. The petitioner would submit that the filing of this petition was nothing but an attempt to over come the complaint that was lodged by the petitioner. The respondent had not even show love or affection on the petitioner or his new born daughter.

5. The petitioner would submit that since the respondent was not maintaining her or her child, she had to move to Chennai for employment and is presently residing at Chennai. Since the matter was pending before the Court at Kumbakonam, she has to travel to Kumbakonam for attending the hearing of the case. The petitioner would submit that the respondent is at Hyderabad and if he can travel to

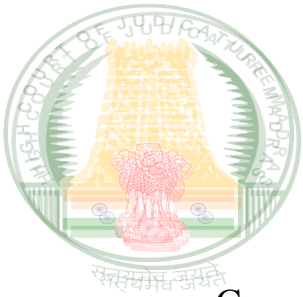


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Kumbakonam, he could also travel to Chennai. Therefore, she would seek for the transfer.

6. The respondent would submit that the petitioner is yet to file a counter in the main petition and several adjournments have been given for the same. Since the respondent had not seen his child for a very long time and is also very keen in rejoining his wife and child he had given his no objection for transferring the case in paragraph No.6 of the counter affidavit.

7. Therefore, taking note of the same the matter now pending before the Sub Court, Kumbakonam, is withdrawn and transferred to the file of the Family Court, Chennai. It is made clear that the presence of the respondent / husband is dispensed with except for counselling and for adducing evidence.



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8. With the above directions, the transfer petition is allowed.

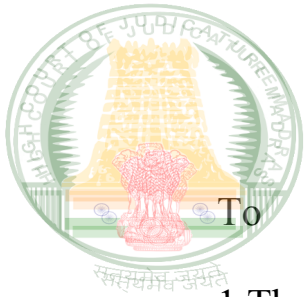
Consequently, the connected miscellaneous petition is closed. No costs.

28.03.2025

Index : Yes/No

Internet : Yes/No

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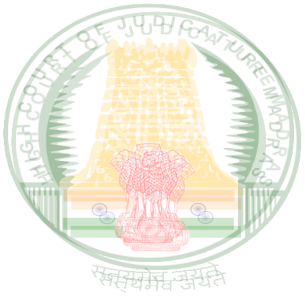
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To

1.The Sub Court,
Kumbakonam.

2.The Family Court,
Chennai.

P.T. ASHA, J,



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