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Transfer Civil Misc. *Petition No.417 of 2024*



IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated :03.04.2025

CORAM

THE HONOURABLE Ms. JUSTICE P.T. ASHA

TR C.M.P.No.417 of 2024
and C.M.P.No.8628 of 2024

P.Yamuna

... Petitioner

Vs

S.Mohan Kumar

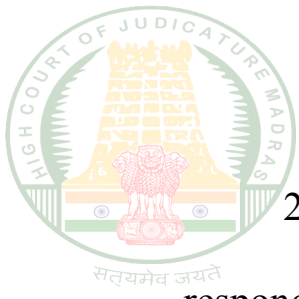
... Respondent

Prayer: Transfer Civil Miscellaneous Petition filed under Section 24 of the Code of Civil Procedure, to pass an order to withdraw the H.M.O.P No.436 of 2024 pending on The IV Additional Family Court at Chennai and transfer the same to the Principal Sub-court,Mayiladuthurai.

For Petitioner	: Mr.R.Sureshkumar for M/s.K.M.Vijayan Associates
For Respondent	: Mr.K.Azhaga Raman

ORDER

The Petitioner/wife has filed this Transfer Civil Miscellaneous Petition seeking to withdraw H.M.O.P.No.436 of 2024 pending on the file of the IV Additional Family Court at Chennai and transfer the same to the file of the Principal Subordinate Court,Mayiladuthurai.



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2. The petitioner-wife had filed a Domestic Violence Case against the respondent in D.V.C.No.02 of 2024 on the file of the learned Judicial Magistrate No.1, Mayiladuthurai. The respondent-husband had filed H.M.O.P.No.436 of 2024 on the file of the IV Additional Principal Family Court, Chennai for restitution of conjugal rights.

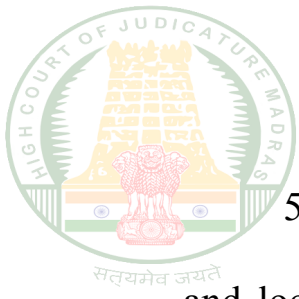
3. The petitioner-wife seeks transfer on the following grounds:

(i) The petitioner-wife is living at her parents' house along with her four month old baby at Mayiladuthurai and is depending upon them.

(ii) Her parents are aged and are not able to travel with her from Mayiladuthurai to Chennai.

(iii) The distance between Mayiladuthurai and Chennai is more than 300 kms and it would be extremely difficult for her to travel such a long distance and attend every Court hearing at Chennai since the matter is pending before the Family Court.

4. Heard the learned counsel for the petitioner and the learned counsel for the respondents and perused the materials available on record.



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5. Taking into consideration the facts and circumstances of the case and looking into the grievances expressed by the petitioner, the Transfer Civil Miscellaneous Petition is allowed and H.M.O.P No.436 of 2024 pending on the file of the IV Additional Principal Family Court, Chennai shall stand withdrawn and transferred to the file of the Principal Subordinate Court, Mayiladuthurai. The learned Principal Subordinate Judge, Mayiladuthurai is directed not to insist upon the presence of the respondent-husband for all non effective hearings except for attending counselling and for adducing evidence. No costs. Consequently, connected civil miscellaneous petition is closed.

03.04.2025

Index: Yes/No

Speaking order/non-speaking order

Neutral Citation: Yes/No

srn

To,

1.The IV Additional Family Court at Chennai

2. The Principal Sub-court,Mayiladuthurai.



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P.T.ASHA, J.,

srn

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