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Tr. C.M.P.No. 775 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 17.02.2025

CORAM

THE HONOURABLE Ms. JUSTICE P.T. ASHA

Tr. C.M.P.No. 775 of 2023

&

C.M.P. No. 18906 of 2023

K.Sarika

...Petitioner

Vs.

D.Premkumar

...Respondent

Prayer: Transfer Petition is filed under Section 24 of the Code of Civil Procedure to withdraw FCOP.No.791 of 2019 on the file of the VI Additional Family Court, Chennai and transfer to the Sub Court, Theni to take along with HMOP.No.158 of 2020.

For Petitioner : Mr. D.Padmanabhan

For Respondent : No Appearance.



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ORDER

Giving a fake address the husband appears to have instituted the proceedings before the Family Court, Chennai.

2. It is informed by the learned counsel for the petitioner that both the petitioner as well as the respondent are residents of Theni. The petitioner continues to reside in Theni and the respondent is presently working at Coimbatore. Suppressing this fact, the husband has instituted FCOP.No.791 of 2019 on the file of the Family Court, Chennai. The petitioner herein has filed HMOP.No.158 of 2020, on the file of the Sub Court, Theni, seeking a conjugal rights. It is also noticed that the respondent has not been maintaining the petitioner and since the matter is pending before the Family Court, she has to appear for all the hearings which is not only causing physical and mental constrain but also financial constrain.



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3. Therefore, the petitioner / wife seeks to have the matter transferred to the file of the Sub Court, Theni, to be tried along with HMOP.No.158 of 2020. If the matter is transferred to Sub Court, Theni, the respondent would also not be prejudiced as the presence of parties for every hearings is not mandatory before the Sub Court.

4. Therefore, considering the above factors, the Transfer Petition is ordered as prayed for. FCOP.No.791 of 2019 pending on the file of the VI Additional Family Court, Chennai, is withdrawn and transferred to the file of the Sub Court, Theni, to be tried along with HMOP.No.158 of 2020. Consequently, the connected miscellaneous petition is closed. No costs.

17.02.2025

Index : Yes/No
Internet : Yes/No

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To

1.The VI Additional Family Court,
Chennai.

2.The Sub Court,
Theni.



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P.T. ASHA, J,

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