



Tr.Cmp.No.948 of 2024

WEB COPY IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 26.03.2025

CORAM

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

Tr.C.M.P.No.948 of 2024

C.M.P.No.20718 of 2024

R.Nivetha

...Petitioner

Vs.

K.G.Muralikrishnan

...Respondent

PRAYER: :- Transfer Civil Miscellaneous Petition filed under 24 of Code of Civil Procedure, pleased to withdraw the H.M.O.P.No.656 of 2023 on the file of Sub Court at Ambattur, Tiruvallur District and to transfer the same to the file of the Family Court, Chennai.

For Petitioner : Mr.Yash Rathi R

For Respondent : Mr.D.Parthasarathy

ORDER

The transfer petition is filed by the petitioner wife who is the respondent in H.M.O.P.No.656 of 2022 filed by the respondent husband for divorce.



Tr.Cmp.No.948 of 2024

WEB COPY

2.Petitioner seeks to transfer this H.M.O.P from the file of the Sub Court, Ambattur to the file of the Family Court, Chennai by stating that she is living with her parents at Chennai. However, a counter has been filed by the respondent husband along with documents to show that the petitioner is very much living in Ambattur and not in Chennai. She has instituted a Domestic Violence petition in D.V.C.No.2 of 2023 and the same is filed before the learned Judicial Magistrate, Ambattur. In the said petition her address has been given as No.29/18, Indragandhi Street, Venkateshwara Nagar, Oragadam, Ambattur, Chennai-600 055. After the filing of the Transfer C.M.P and the grant of stay the petitioner has filed H.M.O.P.No.4792 of 2024 on the file of the Family Court, Chennai, which appears to have been instituted only for the purpose of creating jurisdiction, since the petitioner is contesting D.V.C proceedings at Ambattur. The respondent in his counter affidavit stated that the address of the petitioner given in H.M.O.P.No.4972 of 2024 is the address of the petitioner's brother-in-law. Therefore, taking note of the address that has been given in the D.V.C plaint and the fact that the D.V.C plaint is being prosecuted at the Judicial Magistrate's



Tr.Cmp.No.948 of 2024

WEB COPY

Court, Ambattur, there is no necessity to withdraw H.M.O.P.No.656 of 2023 from the file of Sub Court at Ambattur, Tiruvallur District.

3.The Transfer Civil Miscellaneous Petition is accordingly dismissed. No costs. Consequently, connected miscellaneous petition is closed.

26.03.2025

ep

Index : Yes/No

Internet : Yes/No

Speaking Order/Non Speaking Order

To

- 1.The Sub Court at Ambattur, Tiruvallur District.
- 2.The Family Court, Chennai.

3/5



WEB COPY



Tr.Cmp.No.948 of 2024

P.T.ASHA, J.,

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