



Tr.C.M.P.No.1016 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.02.2025

CORAM:

THE HONOURABLE MS.JUSTICE P.T.ASHA

Tr.C.M.P.No.1016 of 2024

C.M.P.No.22201 of 2024

B.Ramalakshmi

...Petitioner

Vs

B.Praveenkumar

...Respondent

PRAYER : Transfer Civil Miscellaneous Petition filed under 24 of Code of Civil Procedure, pleased to withdraw I.D.O.P.No.364 of 2023 pending on the file of Family Court, Chengalpattu District and transfer the same to the Sub Court, Ambattur, Tiruvallur District.

For Petitioner : Mr.A.Rajeshkanna

For Respondent : N.Palanisamy

ORDER

The petitioner who is the respondent in I.D.O.P.No.364 of 2023 pending on the file of the Family Court, Chengalpattu District, has filed the above Transfer Civil Miscellaneous Petition to withdraw I.D.O.P.No.364 of 2023 pending on the file of Family Court, Chengalpattu District to be transferred to the file of the Sub Court, Ambattur, Tiruvallur District.



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WEB COPY 2.The said I.D.O.P has been filed by the respondent Husband seeking restitution of conjugal rights. The petitioner would submit that the marriage between herself and the respondent was a love marriage which is conducted in the year 2011. The marriage was not informed to the elders. Later the matter was made known and the marriage was performed by elders. Petitioner would submit that she was being compelled to convert her religion which she was not interested in. However owing to the pressure wielded by the respondent and his family she had to accept a change of name, however she had not converted into christianity.

3.The petitioner would submit that after the marriage the true colour of the respondent was revealed to her and she came to learn that not only he was an alcoholic but was also consuming drugs and was involved in an extra marital affair. The petitioner suffered abuse not only at the hands of the respondent but also at the hands of the family members. On account of the cruelty meted out to her she had left the matrimonial home and suppressing all these facts the respondent has filed I.D.O.P.No.364 of 2023 seeking restitution of conjugal rights.



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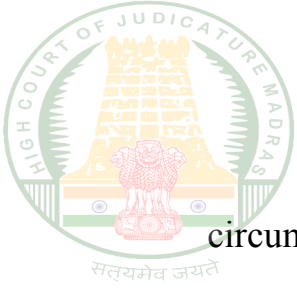
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4.The petitioner would submit that the respondent who had the means to maintain the petitioner and her child had failed to do so. Therefore, she was constrained to file M.C.No.47 of 2024 on the file of learned Judicial Magistrate, Ambattur.

5.Considering the fact that she has to travel for every hearing to Chengalpet as the matter is pending before the Family Court and since she does not have the requisite financial capacity, the petitioner has come forward with the present Transfer Civil Miscellaneous Petition. She would also submit that every time she has to travel for the case she has to leave her daughter behind with her mother who is not keeping good health but is compelled to take care of her.

6.Heard the learned counsels on either side and perused the records.

7.Admittedly, the petitioner and her daughter are not paid maintenance by the respondent who has a statutory duty to do so. In these



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circumstances, he cannot compel the petitioner to attend every hearing before the Family Court, Chengalpet. Therefore, in the aforesaid circumstances, the Transfer Civil Miscellaneous Petition is allowed and I.D.O.P.No.364 of 2023 now pending on the file of Family Court, Chengalpattu District, is withdrawn and transferred to the file of the Sub Court, Ambattur, Tiruvallur District.

8. Accordingly, the Transfer Civil Miscellaneous Petition is allowed with the above directions. No costs. Consequently, connected miscellaneous petition is closed.

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Index : Yes/No
Internet : Yes/No
Speaking Order/Non Speaking Order
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To

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



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P.T.ASHA, J,

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