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Tr.CMP.No.1239 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.11.2025

CORAM:

THE HONOURABLE MR.JUSTICE S.SOUNTHAR

Tr.CMP.No.1239 of 2024
and CMP.No.26929 of 2024

Sam I G Daya

... Petitioner

Vs.

Sheen SP Belsylin

...Respondent

PRAYER: Civil Revision Petition filed under Section 24 of the Civil Procedure Code, to withdraw above M.C.No.71 of 2024 from the file of the II Additional Family Court, Chennai and transfer the case, to the Family Court at Nagercoil.

For Petitioner

: Mr.V.Vargees Amal Raja

For Respondent

:Mr.G.M.Gokulram
for M/s.Ram Gokul and associates



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ORDER

The Transfer Civil Miscellaneous Petition is filed by the husband seeking transfer of maintenance case No.71 of 2024 pending on the file of the II Additional Family Court, Chennai, to Family Court, Nagercoil.

2. According to the petitioner, marriage with respondent had taken place on 11.10.2021 at CSI Home Church, Nagercoil. After some time, due to difference of opinion, both the petitioner and respondent started living separately. The respondent filed maintenance case No.71 of 2024 on the file of II Additional Family Court, Chennai. The petitioner on his part filed a petition for restitution of conjugal rights in DOP.No.412 of 2024 on the file of Family Court, Nagercoil and the same is pending.

3. The respondent filed Tr.CMP (MD).NO.539 of 2024, seeking transfer of divorce petition filed by husband from Family Court, Nagercoil to Family Court, Chennai for simultaneous hearing in M.C.No.71 of 2024. The transfer application filed by the respondent was dismissed on the ground that



she approached the Court with unclean hands. Therefore, the present transfer petition has been filed by the husband seeking transfer of maintenance case pending on the file of the Family Court, Chennai to Family Court Nagercoil.

4. It is seen from the typed set of papers, the respondent/wife earlier employed in Madhya pradesh and thereafter, she worked at Patna. According to the petitioner, now she is working at Chennai. The fact remains, the petition for transfer filed by the respondent seeking transfer of matrimonial proceeding pending on the file of Family Court, Nagercoil to Family Court Chennai was dismissed and maintenance case filed by her is pending on the file of the Family Court, Chennai. In the interest of justice, it is better to have both the proceedings tried by very same Court. Therefore, considering the convenience of both the parties and in the interest of justice, the maintenance case filed by the respondent/wife pending in MC.No.71 of 2024 pending on the file of II Additional Family Court, Chennai is withdrawn and transferred to Family Court, Nagercoil for simultaneous hearing with the petition for restitution of conjugal rights in DOP.No.412 of 2024.



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5. Accordingly, the Transfer Civil Miscellaneous Petition is allowed and M.C.No.71 of 2024 pending on the file of the II Additional Family Court, Chennai is withdrawn and transferred to the file of the Family Court, Nagercoil. No costs. Consequently, connected miscellaneous petition is closed.

04.11.2025

Index : Yes / No
Internet : Yes / No
Neutral Citation : Yes / No
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Tr.CMP.No.1239 of 2021.

To

1. The II Additional Family Court, Chennai.
2. The Family Court, Nagercoil.



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S.SOUNTHAR, J.

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