



Tr.CMP.No.1291 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.01.2025

CORAM:

THE HONOURABLE DR.JUSTICE A.D.MARIA CLETE

Tr.CMP.No.1291 of 2024

and

C.M.P.No.27927 of 2024

V. Ashokan

... Petitioner

Vs.

1.V.S. Lakshmi Priya

2.J. Maria Shilpa

... Respondents

Prayer in Tr.C.M.P : : Petition filed under Section 24 of the Code of Civil Procedure, 1908, to withdraw and transfer the proceedings in O.P. No.258 of 2024 pending on the file of the Family Court, Dharmapuri, to the file of the Principal Family Court, Chennai.

Prayer in C.M.P.: Petition to stay all further proceedings in O.P. No.258 of 2024 pending on the file of the Family Court, Dharmapuri, pending disposal of the above Transfer C.M.P.

For Petitioner : Mr.V.Anilkumar

For R1 : Mr.G.Kesavan

For R2 : Mr.V.Bharathidasan



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ORDER

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Heard.

2. The petitioner/husband has filed the present Transfer Civil Miscellaneous Petition seeking withdrawal and transfer of O.P. No.258 of 2024 pending on the file of the Family Court, Dharmapuri, to the file of the Principal Family Court, Chennai.

3. The marriage between the petitioner and the first respondent was registered on 07.07.2011 before the Sub-Registrar, Ponneri, and subsequently solemnized on 01.12.2011 at Kongu Thirumana Mandapam, Harur to Salem Main Road, Gopinathampatti Koot Road, Dharmapuri District.

4. The divorce proceedings were originally filed by the 1st respondent/wife as H.M.O.P. No.12 of 2024 before the Additional Sub Court, Dharmapuri and later transferred vide ROC.No.7449/2024 dated 01.08.2024 to the Family Court, Dharmapuri and renumbered as O.P.No.258 of 2024. The petitioner contends that the first respondent is presently working and residing at Chennai and that neither party is now



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residing/working at Dharmapuri. He further states that the children are studying at Chennai and he is taking care of them; one child is stated to be autistic and the other child is stated to have a rare medical condition requiring monitoring and medication at Chennai, making travel to Dharmapuri difficult.

5. Considering the submissions of both sides and in the interest of the child with autism presently in the custody of the husband, this Court is of the view to order transfer of O.P. No.258 of 2024 from Dharmapuri to Chennai would subserve the ends of justice and in the interest of the child under the care of the husband

6. Accordingly, Tr.C.M.P.No.1291 of 2024 is allowed. O.P. No.258 of 2024 on the file of the Family Court, Dharmapuri, is withdrawn and transferred to the file of the Principal Family Court, Chennai. The Family Court, Dharmapuri, shall transmit the entire records to the Principal Family Court, Chennai, within three (3) weeks from the date of receipt of this order and the Principal Family Court, Chennai shall dispose of the matter in accordance with law, as expeditiously as



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possible, uninfluenced by any observations made in this order. Interim stay granted by this Court on 06.12.2024 shall stand vacated and C.M.P.

No.27927 of 2024 is closed. There shall be no order as to costs.

07.01.2026

Internet : Yes
Index : Yes
Speaking Order / Non Speaking Order
kkd

To

1. The Family Court, Dharmapuri,
2. The Principal Family Court, Chennai.



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Dr. A.D.MARIA CLETE, J.

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