

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.07.2017

C O R A M

THE HONOURABLE MR.JUSTICE M. GOVINDARAJ

TR C.M.P.NO.427 of 2017 AND
C.M.P.NO.8839 of 2017

M.Krishnaveni ... Petitioner

Vs.

P.Senthilkumar ... Respondent

PRAYER: Transfer Civil Miscellaneous Petition filed under Section 24 CPC to withdraw the H.M.O.P.No.148/2017 on the file of the Principal Sub Judge, Trichy and transfer the same to the Hon'ble Family Court at Erode in which already M.C.No.28/2017 is pending.

For Petitioner : Mr.C.S.Saravanan

For Respondent : Mr.R.Narayanan

ORDER

The wife is the petitioner herein, is seeking transfer of HMOP No.148 of 2017, pending on the file of the learned Principal Sub-Judge, Trichy to the Family Court, Erode, where the M.C.No.28/2017 is already pending.

2. The petitioner has already filed the M.C.No.28/2017 on the file of the family Court, Erode for maintenance. The respondent/husband has already appeared in the said case.

3. The learned counsel for the petitioner would submit that the petitioner is having a small child and it is very difficult for her to travel long distance from Erode to Trichy. Therefore, the matter should be transferred to Erode.

4. On the other hand, the learned counsel for the respondent would submit that the respondent is employed as a teacher, and he cannot avail leave to attend the family Court, Erode, as the presence of the respondent husband is compulsory for every hearing.

5. Considering the facts and circumstances of the case, the inconvenience caused to the wife in travelling from Erode to Trichy and considering the plight of the small child, this Court is of the view, that the matter should be transferred to Erode, where the maintenance case is also pending. At the same time, considering the inconvenience of husband in applying leave frequently, to appear before the Court, his presence for hearing has to be dispensed with

and he shall appear before the Family Court, till the trial commences.

6. In view of the above observations, the HMOP No.148 of 2017, pending on the file of Principal Sub-Judge, Trichy is transferred to Family Court, Erode, to be heard alongwith M.C.No.28 of 2017. The Family Court, Erode is directed to re-number the HMOP and proceed with the case. Further direction is issued that the presence of the husband is dispensed with till the commencement of trial in both the cases.

7. Accordingly, the Transfer Civil Miscellaneous Petition is allowed. No costs. Consequently connected miscellaneous petition is closed.

28.07.2017

Internet : Yes/No

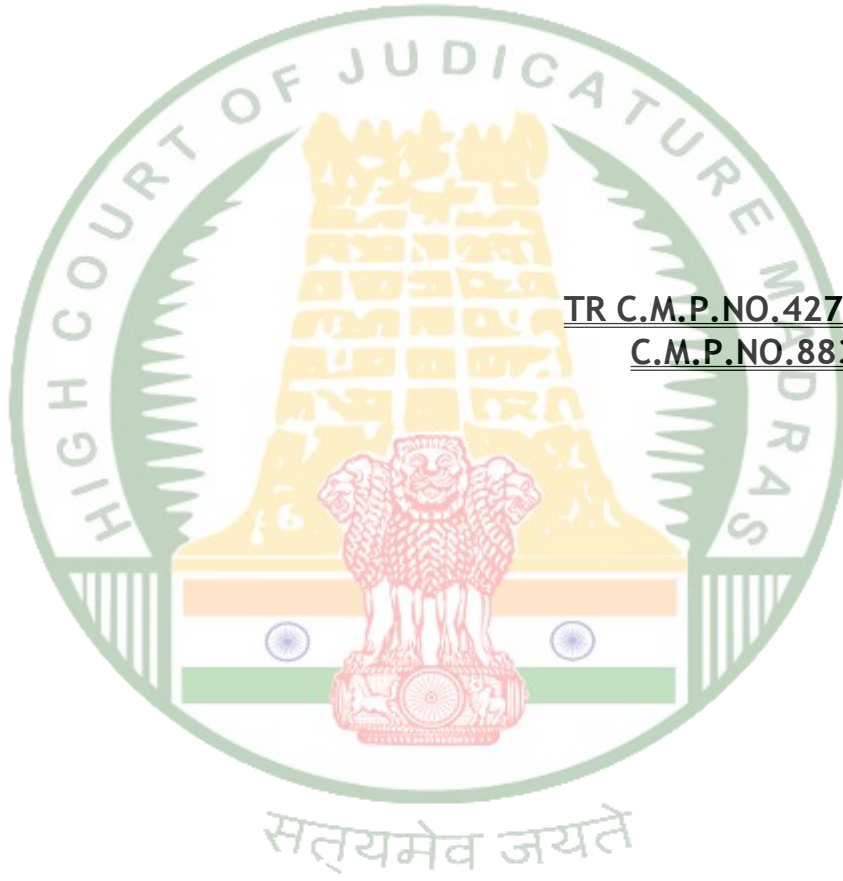
Index : Yes/No

To

1. The Principal Sub-Judge
Trichy.

2. The Family Court
Erode.

M.GOVINDARAJ, J.
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