

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED: 10.01.2020
CORAM:
THE HONOURABLE MR.JUSTICE S.VAIDYANATHAN
Transfer C.M.P.No.893 of 2019

M.Chandra Prabha

... Petitioner

vs.

S.Prabhu

...Respondent

Transfer C.M.P. filed under Section 24 of C.P.C., to withdraw H.M.O.P.No.144 of 2019, pending on the file of the Sub Court, Gobichettipalayam and to transfer the same to the file of the Family Court at Coimbatore.

For Petitioner : Mr.P.M.Duraiswamy
For Respondent : Mr.V.P.K.Gowtham

O R D E R

Petitioner/wife, who is presently residing in Coimbatore, has come up with this Petition seeking transfer of H.M.O.P.No.144 of 2019 from the file of the Sub Court, Gobichettipalayam to the file of the Family Court at Coimbatore.

2. Learned counsel for the Petitioner submitted that the marriage between the Petitioner and the Respondent took place in Coimbatore and that, the Petitioner has no objection for the Respondent/husband being represented by a Lawyer before the Family Court at Coimbatore.

3. Learned counsel appearing for the Respondent submitted that, the presence of the party is a must before the Family Court. Hence, according to him, if there is a specific direction by this Court that the Respondent/husband may be represented by a Lawyer before the Court below, the Respondent need not appear before the Court below on all hearings.

4. As the marriage between the parties took place at Coimbatore and that the Petitioner/wife has no objection for the Respondent/husband being represented by a Lawyer at Coimbatore, the proceedings in H.M.O.P.No.144 of 2019 is withdrawn from the file of the Sub Court at Gobichettipalayam and is transferred to the file of the Family Court at Coimbatore, for trial. The Respondent/husband is permitted to be represented by a Lawyer in the proceedings in H.M.O.P.No.144

of 2019 before the Family Court at Coimbatore.

5. The Family Court, Coimbatore, is expected to conclude the trial, as expeditiously as possible, without adjourning the matter beyond 45 working days at any point of time, to bring the issue to a logical end.

6. The Transfer Civil Miscellaneous Petition is allowed with the above direction. No costs. Consequently, connected C.M.P.No.24479 of 2019 is closed.

Sd/-

Asst.Registrar (CS VI)

/true copy/

Sub Asst. Registrar

(aeb)

To :

1. The Subordinate Judge
Subordinate Court, Gobichettipalayam.

2. The Judge,
Family Court, Coimbatore.

+1 cc to Mr.P.M.Duraiswamy Advocate sr2502

+1 cc to Mr.VPK.Gowtham Advocate sr2842

Tr.C.M.P.No.893 of 2019

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