



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01.12.2021

CORAM:

THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN

TR CMP NO.645 OF 2021

AND

CMP NO.16175 OF 2021

K.Revathi

...Petitioner

Vs

M.Suresh

...Respondent

Prayer : Transfer Civil Miscellaneous Petition filed under Section 24 of the Code of Civil Procedure, 1908, pleased to withdraw FCOP No.40 of 2021 on the file of the Family Court, Namakkal and to transfer the same either to the Sub Court, Tiruchengode, Namakkal District or the Sub Court, Sankari, Salem District.

For Petitioner : Mr.N.Manokaran

For Respondent : Mr.Rahul Jagannathan

O R D E R

The wife seeks transfer of proceedings in FCOP No.40 of 2021 pending on the file of the Family Court, Namakkal, which is a petition filed by the husband seeking divorce on the ground of cruelty.

2. The wife has entered appearance and has filed a petition before the Family Court seeking for return of the petition on the ground that the Family Court, Namakkal has no jurisdiction to entertain the petition. The wife is a resident of Kadachanallur Village, Komarapalayam Taluk, Namakkal District. The husband is a resident of Vazhavanthi Kombai Village, Sendamangalam Taluk, Namakkal District. The transfer is sought for by the wife on the ground of convenience as well as on the ground that the Family Court, Namakkal does not have jurisdiction.

3. Mr.Rahul Jagannathan, learned counsel appearing for the husband would contend that the proceedings before the Family Court are at part heard stage and therefore, transfer of it, at



this stage is unnecessary. He would also contend that the wife has participated in the trial.

4.Mr.N.Manokaran, learned counsel appearing for the petitioner/wife would submit that because of the absence of stay order in the transfer CMP, the trial had commenced. According to him, commencement of trial alone cannot be a ground to refuse transfer when the convenience of the wife is involved.

5.Considering the convenience of both the parties as well as the jurisdictional aspects, I am of the opinion that the proceedings could be transferred to a Sub-Court, where the parties will not be required to appear for every hearing. Conduct of the proceedings at a neutral venue would also help the parties to conduct the proceedings in a peaceful atmosphere. Hence, FCOP.No.40 of 2021 is withdrawn from the file of Family Court, Namakkal and transferred to the file of Sub Court, Thiruchengode, to be tried and disposed of in accordance with law.

6. Considering the fact that the proceedings are at the part heard stage, the Sub Court, Thiruchengode is required to dispose of the FCOP No.40 of 2021, within period of eight months from the date of receipt of papers from the Family Court, Namakkal. The Transfer Civil Miscellaneous Petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS-IX)

// True Copy //

Sub Assistant Registrar

vs

To

1.The Judge,
The Family Court, Namakkal.

2.The Sub Judge,
Tiruchengode, Namakkal District.

+1cc to Mr.N.Manokaran, Advocate SR.No.63170

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KG(CO)
RVM(16/12/2021)