



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.12.2021

CORAM:

THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN

TR.C.M.P.NO.730 OF 2021

AND

C.M.P.NO.17791 OF 2021

B.Moniga

...Petitioner

Vs.

G.I.Prabhu

...Respondent

PRAYER : Transfer Civil Miscellaneous Petition filed under Section 24 of Code of Civil Procedure, praying to transfer the M.O.P.No.427 of 2019 on the file of learned Family Court Judge, Pondicherry to Sub-Court, Mettupalayam.

For Petitioner : Mr.S.Bharanidharan
for Mr.B.Mohan

For Respondent : Mr.K.Chandru

O R D E R

The petitioner wife seeks transfer of matrimonial proceedings in M.O.P.No.427 of 2019 on the file of Family Court, Pondicherry to Sub-Court, Mettupalayam at Coimbatore District. Transfer is sought for solely on the ground of convenience since the wife is a resident of Mettupalayam.

2. The husband/ respondent would oppose the request for transfer contending that he will be put to inconvenience, if the transfer is ordered to Sub-Court, Mettupalayam. He would also add that his life is at stake since the family of the wife is a very influential family at Mettupalayam. An additional typed set has also been filed evidencing the fact that there had been complaints made by the wife at All Women Police Station, Thudiyalur, where the husband was beaten up by the Police. The husband would therefore express that the case can be transferred to any other nearby place except Coimbatore and Tiruppur Districts.

3. Considering the grievance expressed by both the parties and the convenience of the wife who is a resident of



Mettupalayam, I am of the opinion that the case could be transferred to a Sub-Court, where the appearance of the parties is not mandatory. Since the husband has a apprehension in attending the Courts at Coimbatore or Tiruppur Districts, the nearest Sub-Court would be Gobichettipalayam, which is about 69 kms from Mettupalayam. The distance may not be of much relevance, since the proceedings are before Sub-Court, where the parties are not required to appear and counsel can appear for non-essential hearings.

4. In view of the above, M.O.P.No.425 of 2019 is withdrawn from the file of the learned Family Court, Pondicherry and transferred to the Sub-Court, Gobichettipalayam. The learned Sub-Judge, Gobichettipalayam is directed to dispose of M.O.P.No.425 of 2019 within a period of eight months from the date of receipt of the papers from the transferror Court. The learned Sub-Judge, Gobichettipalayam shall not insist on the presence of the parties for non-essential hearings. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS-IX)

// True Copy //

Sub Assistant Registrar

dsa

To

1.The Judge,
The Family Court,
Pondicherry.

2.The Subordinate Judge,
Gobichettipalayam.

+1cc to Mr.K.Chandru, Advocate Sr.No.69400

Tr.C.M.P.No.730 of 2021

EV(CO)
RVM(12/01/2022)