



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 11.03.2021

CORAM:

THE HONOURABLE MR.JUSTICE **R.SUBRAMANIAN**

Tr.C.M.P. (MD)No.55 of 2021

and

C.M.P. (MD)No.1119 of 2021

WEB COPY

E.Uma

... Petitioner/Respondent
versus

K.Balachandran

... Respondent/ Petitioner

Transfer Petition filed under Section 24 of C.P.C. seeking to withdraw H.M.O.P.No.138 of 2020 pending on the file of the Family Court, Karur and transfer the same to the Sub Court at Poonamallee.

For Petitioner : Mrs.S.Revathy
For Respondent : Mr.K.Suresh

ORDER

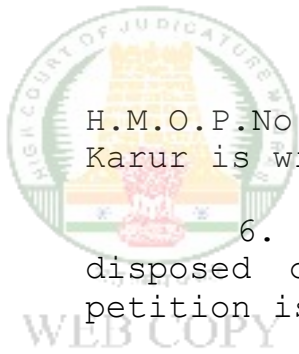
The petitioner seeks transfer of H.M.O.P.No.138 of 2020 pending on the file of the Family Court, Karur, to the Sub Court, Poonamallee.

2. The transfer is sought for mainly on the ground of convenience, since the wife claims to be the resident of Iyyapakkam, within the jurisdiction of the Sub Court, Poonamallee.

3. The request for transfer is opposed mainly on the ground that the husband is the resident of Karur and the child is studying in 2nd standard at Karur and therefore, it would be difficult for the husband to come to Poonamallee to conduct the proceedings. It is also contended that the parents of wife are natives of Paramathi-Velur near Namakkal and therefore, the transfer to Poonamallee is sought for only to drag the husband to Chennai.

4. The wife is now admittedly residing at Iyyappakkam near Poonamallee. The transfer sought for is only to the Sub Court. Therefore, the parties need not to appear before the Sub Court for every hearing. It is enough, if the parties appear for effective hearings to adduce evidence, unlike the Family Court, where the parties are required to appear for every hearing. Further, the estranged daughter is not excepted to live with her parents only. Therefore, the objection on the ground of residence of the parents is unfounded.

5. If the proceedings go on at Karur, it will cause considerable hardship to the wife, who has come from Iyyapakkam to Karur for every hearing and that by itself, in my opinion, would cause further strain in the strained relationship and will also affect any chance of reunion between the parties. Hence,



H.M.O.P.No.138 of 2020 pending on the file of the Family Court at Karur is withdrawn and transferred to the Sub Court, Poonamallee.

6. Accordingly, the Transfer Civil Miscellaneous Petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar ()

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

To

1. The Family Court,
Karur.

2. The Sub Court,
Poonamallee.

+2 CC to M/s.S.REVATHY, Advocate (SR-10654[F] dated 12/03/2021)

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NA (CO)
KB (23.03.2021) 2P 5C