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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.04.2022

CORAM

THE HONOURABLE Ms. JUSTICE P.T. ASHA

Tr.C.M.P.No.205 of 2022
and
C.M.P.No.4207 of 2022

J.Poojitha ... Petitioner
Vs.
R.Mohan ... Respondent

PRAYER: Transfer Civil Miscellaneous Petition filed under Section 24(1) of the Civil Procedure Code to withdraw H.M.O.P.No.396 of 2021 on the file of the Family Court at Salem and transfer the same to the Sub-Court at Tiruttani.

For Petitioner : Mr.R.Rajesh

For Respondent : Mr.Thiruvengadam

O R D E R

The petitioner/wife has filed this Transfer Civil Miscellaneous Petition seeking for transfer of H.M.O.P.No.396 of 2021 pending on the file of the Family Court, Salem and transfer the same to the Sub-Court, Tiruttani.

2. The reasons given by the petitioner for the transfer as follows:

a) The petitioner has filed a maintenance case in M.C.No.4 of 2021 pending on the file of the learned Judicial Magistrate, Tiruttani.

b) The petitioner is presently in the care and custody of her parents at Tiruttani and the distance to Salem is nearly 300 Kms.

c) The petitioner has to travel for every hearing to Salem since the matter is pending before the Family Court, Salem.

d) Considering the distance, the petitioner would also have to stay back at Salem.

3. The respondent who has entered appearance through counsel would submit that the petition may be transferred to



some place which is equal distance and the husband would find difficulty to travel to Tiruttani for every hearing. For these reasons, the respondent had sought for dismissal of this Transfer petition.

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4. Heard the learned counsels on either side.

5. The petitioner/wife is admittedly residing at Tiruttani. The respondent/husband has also shown her address for service only at Tiruttani, therefore, there is no doubt on her residence. The matter is now pending before the Family Court where the parties have to be present for every hearing. The petitioner would therefore have to travel all the way to Salem for every hearing and the inconvenience caused to her has been fairly explained in the affidavit filed in support of the Transfer Petition. The matter is now sought to be transferred to Sub-Court, where the presence of parties for every hearing is not required. It would suffice that the parties would appear for adducing evidence.

6. In these circumstances, this Court is inclined to allow this petition and accordingly, this Transfer Miscellaneous Petition is allowed and H.M.O.P.No.396 of 2021 pending on the file of the Family Court, Salem is withdrawn and transferred to the file of the Sub-Court, Tiruttani. No Costs. Consequently, connected Civil Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (CS-VI)

//True Copy//

Sub Assistant Registrar

ssn

To

1. The Judge, The Family Court, Salem.

2. The Sub Judge, Tiruttani.

+1cc to Mr.Thirvengadam, Advocate, S.R.No.26800

+1cc to Mr.K.B.Vivekanandhan, Advocate, S.R.No.26318

Tr.C.M.P.No.205 of 2022
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SSI (CO)
SU(11/05/2022)