

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.06.2022

CORAM:

THE HONOURABLE MRS.JUSTICE S. KANNAMMAL

TR.C.M.P.NO.337 OF 2021

AND

C.M.P.NO.7970 OF 2021

N.Abirami

...Petitioner

Vs.

K.Gopalakrishnan

...Respondent

This Petition filed under Section 24 of the Code of Civil Procedure, praying to withdraw H.M.O.P.No.20 of 2021 from the file of the Sub Court, Panruti and transfer the same to the Family Court, Coimbatore having competent jurisdiction.

For Petitioner : Mr.K.Goviganesan

For Respondent : Mr.B.Kannan

ORDER

The wife seeks transfer of proceedings in H.M.O.P.No.20 of 2021 on the file of the Sub Court, Panruti to the Family Court, Coimbatore .

2. HMOP No. 20 of 2021 has been filed by the husband seeking divorce on the ground of desertion before the Sub Court, Panruti. The wife is admittedly a resident of Coimbatore. The transfer is sought for mainly on the ground of convenience of the wife.

3. The learned counsel for the petitioner/wife would submit that the distance between Coimbatore and Panruti is approximately 330 kms and she is depending on her aged parents and she is taking care of them. The learned counsel would further submit that the petitioner being a lady, she is unable to travel all along from Coimbatore to Panruti for attending the Court on every hearing in H.M.O.P.No.20 of 2021. Therefore she seeks to transfer of proceedings in H.M.O.P.No.20 of 2021 from the file of the Sub-Court, Panruti to the file of the Family Court, Coimbatore.

4. The learned counsel for the respondent/husband would resist the transfer petition contending that he being a resident of Panruti, if the proceedings are transferred to the Family Court, Coimbatore, he will have to appear for every hearing in person which will cause great hardship to him. The learned counsel would further submit that if the case is transferred to a neutral place viz., Tiruppur, it will be easy for both the petitioner and the respondent to attend the Court proceedings and he has no objection for the proceedings being transferred to Tiruppur if his presence would not be required for regular hearings.

5. The learned counsel for the petitioner/wife also agrees the above contention.

6. Considering the convenience of the wife as well as the apprehension expressed by the husband, I am of the opinion that it would be in the interest of parties, the proceedings could be transferred to a neutral venue viz., Family Court, Tiruppur.

7. In view of the above, the proceedings in HMOP No.20 of 2021 is withdrawn from the file of the Sub Court, Panruti and transferred to the Family Court, Tiruppur to be tried and disposed of in accordance with law. However, the Family Court, Tiruppur is directed not to insist upon the personal appearance of the respondent/husband except during the enquiry stage or any day, when his personal appearance is immensely required. 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

vum

To

1.The Sub Judge,
Panruti.

2.The Family Court,
Tiruppur.

+1cc to Mr.B.Kannan, Advocate Sr.No.40168

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CA(CO)
RVM(12/07/2022)