



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.01.2022

CORAM:

THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN

TR CMP No.527 of 2021  
and CMP No.14041 of 2021

R.Karthiyayini

... Petitioner

Vs

M.Balaji

... Respondent

Prayer: Transfer Civil Miscellaneous Petition filed under Section 24 of the Code of Civil Procedure, 1908, pleased to withdraw the HMOP.No.95 of 2021 pending on the file of the Additional Subordinate Judge Court at Coimbatore District and transfer the same to the Family Court at Sathuvachari, Vellore District-632 009.

For Petitioner : Ms.K.Lekha  
for M/s.G.Varalakshmi

For Respondent : Mr.V.Rajesh Babu

#### O R D E R

The petitioner wife seeks transfer of HMOP.No.95 of 2021 filed by the husband seeking divorce on the file of II Additional Sub Court, Coimbatore to Family Court, Vellore. The transfer is sought for mainly on the ground of convenience, as the wife is resident of Vellore.

2.While Ms.K.Lekha, learned counsel appearing for the wife would submit that she would not be in a position to conduct the proceedings at Coimbatore as she is depending on her parents for her survival and she is being represented by a legal aid counsel, Mr.Rajesh Babu, learned counsel appearing for the husband would submit that if the proceedings, which are now pending before the Sub Court, are transferred to the Family Court, the husband will be put to difficulties as he would be required to appear before the Family Court for every hearing. He would therefore, contend that the transfer to neutral venue or to a Sub Court, where the appearance of the parties is not mandatory would be advantageous to both the parties. I see some



force in the submissions of the learned counsel for the husband. To transfer the proceedings pending before the Sub Court to the Family Court, where the law requires the parties to appear in person for every hearing would definitely cause additional hardship to the parties. Therefore, as rightly submitted by the learned counsel, the proceeding could be transferred to the Sub Court where the appearance of the parties is not mandatory. Considering the convenience of the wife and with the view to minimise the inconvenience that would be caused to the husband because of the transfer, the HMOP can be transferred to a Sub Court.

3.In view of the above, HMOP.No.95 of 2021 is withdrawn from the file of the II Additional Sub Court, Coimbatore and transferred to the Principal Sub Court, Vellore to be disposed of in accordance with law. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CCC)

//True Copy//

Sub Assistant Registrar

vs

To

1.The II Additional Sub Court, Coimbatore.

2.The Principal Sub Court, Vellore.

+2ccs to M/s.G.Varalakshmi, Advocate SR. No.4229

+1cc to Mr.V.Rajesh Babu, Advocate SR. No. 4398

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KSM (CO)  
PR (10/02/2022)