



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.01.2022

CORAM:

THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN

Tr.C.M.P.No.565 of 2021
and
C.M.P.No.14785 of 2021

P.Sathiyapriya

.. Petitioner

Vs.

R.B.Rajarathinaam

.. Respondent

PRAYER: Transfer Civil Miscellaneous Petition filed under Section 24 of Code of Civil Procedure, praying to withdraw the case in HMOP.No.367 of 2021 pending before the Family Judge, Salem and the same be transferred to the District Family Court, Erode.

For Petitioner : Mr.S.Thiyagarajan

For Respondent : Mr.P.Haribabu

O R D E R

The petitioner wife seeks transfer of HMOP.No.367 of 2021 pending on the file of the Family Court, Salem to Family Court, Erode.

2. The transfer is sought for solely on the ground of convenience of the wife who is the resident of Erode. The fact that the wife is resident of Erode is not in dispute, since the petitioner husband himself as shown her to be a resident of Erode in the Original Petition filed by him. It is also stated that the petitioner has to take care of her child who is less than 1 year old.

3. Considering the convenience of the wife, the proceedings will have to be transferred to Erode. At the same time, the convenience of the husband who is a resident of Salem must also be taken into account. If the proceedings are transferred to Family Court, Erode the husband who is the



resident of Salem will have to appear before the Family Court, Erode in person for all hearings. Certainly, he will be put to more inconvenience. Therefore, it is felt that the transfer of proceedings to Sub-Court, where the presence of the parties is not required for every hearing would be very ideal in the circumstances.

4. In view of the above, HMOP.No.367 of 2021 is withdrawn from Family Court, Salem and transferred to the Principal Sub-Court, Erode to be tried and disposed of in accordance with law.

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

Sd/-

Assistant Registrar(CS-IX)

// True Copy //

Sub Assistant Registrar

dsa

To

1. The Judge, Family Court, Salem.
2. The Principal Sub-Judge, Erode.

+1cc to Mr.P.Haribabu, Advocate SR.No.2219

Tr.C.M.P.No.565 of 2021

PL(CO)

CB(31/01/2022)