



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.04.2022

CORAM

THE HON'BLE MS.JUSTICE P.T.ASHA

Tr.C.M.P.No.680 of 2021
and
C.M.P.No.17014 of 2021

Vidya Devi

...Petitioner

Vs

Dr.Jayaprakash

...Respondent

PRAYER:Transfer Civil Miscellaneous Petition is filed under Section 24 of Civil Procedure Code, to withdraw the case in F.C.O.P.No.89/2021 from the file of the Family Court (District Judge), Erode District and Transfer the same to the file of the Family Court, Coimbatore.

For Petitioner : Mr.P.S.Kothandaraman

For Respondent : Mr.T.Gouthaman

O R D E R

This transfer petition has been filed by the petitioner-wife seeking to transfer F.C.O.P.No.89 of 2021 pending on the file of the Family Court (District Judge), Erode to the file of the Family Court at Coimbatore.

2.Heard the learned counsel for the petitioner and the learned counsel for the respondent and perused the materials available on record.

3.A perusal of the records would show that the both the parties are residing only at Erode. The parties have also last resided together at Erode. The petitioner seeks to have the proceedings transferred on the ground that when the matter was posted for counselling, the Counsellor who was known to the respondent-husband was acting in a biased manner and that her mother-in-law is also highly influential at Erode. These are the two grounds on which the transfer is sought for.

4.As regards the first ground, namely that the Counsellor is acting in a biased manner, the same can be rectified by ensuring that the counselling is done by some other Counsellor and not by



the present Counsellor, who was originally doing the counselling. The second ground has not been proved by the petitioner.

5.Be that as it may. Both the parties are living at Erode and in these circumstances, there is no necessity to transfer the proceedings, particularly, when the reason for seeking the transfer can be set right by substituting the Counsellor.

6.In the above circumstances, the Tr.C.M.P.is dismissed with a direction to the learned District Judge, Family Court, Erode to substitute the Counsellor, considering the fact that the same has also been brought to the notice of the Court by the petitioner through a Memo. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS-IV)

//True Copy//

Sub Assistant Registrar

srn

To

The District Judge
The Family Court,
Erode District.

+1cc to Mr.T.Gowthaman, Advocate, S.R.No.30491

+1cc to Mr.P.S.Kothandaraman, Advocate, S.R.No.28958

Tr.C.M.P.No.680 of 2021
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SSI (CO)
RGA(20/05/2022)