



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.03.2022

CORAM

THE HONOURABLE MS.JUSTICE P.T.ASHA

TR.C.M.P.NO.734 OF 2021

AND

C.M.P.NO.17810 OF 2021

K.Suganya

... Petitioner/Respondent

Vs.

A.S.Shankar

... Respondent/Petitioner

PRAYER: Transfer Civil Miscellaneous Petition filed under Section 24 of Civil Procedure Code to withdraw and transfer the petition for divorce in F.C.O.P. No.200 of 2021 pending on the file of the Family Court, Erode and transfer the same to the Subordinate Court, Rasipuram.

For Petitioner : Mr.S.Senthil

For Respondent : Mr.V.Ragunathan

O R D E R

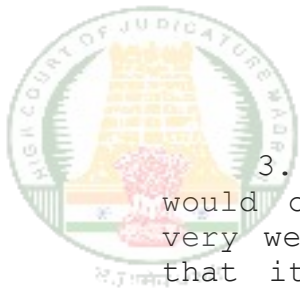
The above transfer civil miscellaneous petition is filed by the wife seeking to transfer F.C.O.P. No.200 of 2021 filed by the respondent husband for divorce on the file of the Family Court, Erode to the file of the Sub Court at Rasipuram.

2.The grounds seeking transfer are as follows:

a) The petitioner has the custody of her two minor daughters, the first of whom is studying 7th standard at Rasipuram and the second in 3rd Standard also at Rasipuram.

b) The petitioner cannot travel for every hearing to the Family Court at Erode, as she has to take care of her two daughters, who are still depending on her.

c) The Sub Court at Rasipuram has jurisdiction, since the petitioner is living within its jurisdiction.



3. The Respondent, who entered appearance through counsel, would object to the transfer stating that the petitioner can very well travel to Erode and take part in the proceedings and that it is the petitioner-wife, who had left her matrimonial home deserting the husband and she cannot now insist on her husband coming over to Rasipuram. Therefore, the Transfer Civil Miscellaneous Petition has to be dismissed.

4. Heard the learned counsels and perused the records.

5. Admittedly, two minor children of the petitioner and respondent are both studying in SRV Innovative Public School, Rasipuram. Further, the matter is pending before the Family Court, where the presence of parties is mandatory. The petitioner is now seeking transfer to the Sub Court, where the presence of parties is not required. In these circumstances, it would also be in the interest of the respondent, the matter shall be transferred to Sub Court, Rasipuram, where he can engage the services of a counsel to appear on his behalf.

6. In the result, the transfer Civil Miscellaneous Petition is allowed and F.C.O.P. No.200 of 2021 pending on the file of the Family Court at Erode, is withdrawn and transferred to the file of the Sub Court, Rasipuram. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS-IX)

//True Copy//

Sub Assistant Registrar

srn /ab

To

1. The Judge, The Family Court, Erode.
2. The Subordinate Judge, Rasipuram.

+1cc to Mr.V.Ragunathan, Advocate, S.R.No.16562

Tr.C.M.P.No.734 of 2021
and
C.M.P.No.17810 of 2021

GPL(CO)
RLP(23/03/2022)