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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.02.2022

CORAM

THE HONOURABLE MS. JUSTICE P.T.ASHA

Tr.CMP. No.770 of 2021
and
C.M.P.No.18133 of 2021

J.Vanitha

... Petitioner/Respondent

Vs

M.Boopathi Rajasekar

... Respondent/Petitioner

PRAYER: Petition filed under Section 24 of the Code of Civil Procedure, to withdraw H.M.O.P.No.63 of 2020 pending before Sub Court Bhavani Erode District and transfer the same to the Hon'ble Family court Chennai.

For Petitioner : M/s C.Emalias

For Respondent : Mr.B.Mohan

ORDER

The above application which is filed by the wife seeking to transfer the petition in H.M.O.P.No.63 of 2020 filed by the husband for divorce on the file of the Sub Court Bhavani, Erode to the file of the Family Court at Chennai.

2. The learned counsel appearing for the respondent has no objection but, however, contended that since the matter is now being transferred to the Family Court the presence of party was mandatory and this would cause hardship to the respondent/husband who would have to travel to Chennai for every hearing.

3. Therefore, in the interest of justice the Transfer Civil Miscellaneous Petition is ordered, withdrawing the proceedings in H.M.O.P.No.63 of 2020, on the file of the Sub Court Bhavani, Erode and transferred to the file of the Family court Chennai, subject to the condition that the Family Court at Chennai shall



not insist on the presence of the respondent/husband for every hearing except for attending the counselling session and for adducing evidence. No costs. Consequently, connected Miscellaneous Petition is closed.

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Sd/-
Assistant Registrar (CS-VI)

// True Copy //

Sub Assistant Registrar

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To

1.The Subordinate Judge,
Bhavani, Erode.

2.The Judge,
Family court, Chennai.

+1cc to Mr.C.Emalias, Advocate, Sr.No.9426

[30/03/2022]

Tr.CMP. No.770 of 2021
and
C.M.P.No.18133 of 2021

AJS (CO)
CB(14/03/2022)