



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.01.2022

CORAM:

THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN

TR.CMP.NO.822/2021 & CMP.NO.19054/2021

(HEARD THROUGH VIDEO CONFERENCING)

B.Pushpa

... Petitioner

Vs

R.Murugesh

... Respondent

Prayer:

Transfer Civil Miscellaneous Petition filed under Section 24 of the Code of Civil Procedure to withdraw the Restitution of conjugal rights petition pending HMOP.No.61/2021 on the file of the Learned Principal Subordinate Judge at Hosur, Krishnagiri District and transfer the same to the file of the Learned Family Court, Coimbatore.

For Petitioner : Mr.A.Saranraj

For Respondent : No Appearance

ORDER

- (1) Despite service, the respondent is not appearing either in person or through counsel duly instructed.
- (2) The petitioner/wife seeks transfer of HMOP.NO.6/2021 on the file of the Sub Court, Hosur, to the Family Court, Coimbatore.
- (3) The transfer is sought solely on the ground of convenience since the wife happens to be a resident of Vadamadurai in Coimbatore District.
- (4) Mr.A.Saranraj, learned counsel for the petitioner/wife would submit that it is difficult for the wife to come down to Hosur for every hearing of the case before the Sub



Court, Hosur.

(5) No doubt, the convenience of the wife should be considered while dealing with transfers of matrimonial proceedings. The convenience of the other spouse, namely the husband, should also to be borne in mind. The proceedings are now pending before a Sub Court. The appearance of the parties for every hearing is not required. The parties can appear through counsel for non-essential hearings. If the proceedings are transferred to a Family Court, it will become incumbent for the parties to appear for every hearing before the Family Court.

(6) The husband, who is admittedly a resident of Ramasandram Village, Hosur Taluk, would be forced to travel to Coimbatore for every hearing. Hence, I am of the opinion that transfer of the case to a Sub Court would meet the ends of justice as the inconvenience caused to the husband because of the transfer will be largely reduced.

(7) In the result, the Transfer Civil Miscellaneous Petition is allowed and HMOP.No.61/2021 is withdrawn from the file of the Court of the learned Principal Subordinate Judge, Hosur and transferred to the file of the Court of the learned Principal Subordinate Judge, Coimbatore, and to be disposed of in accordance with law. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

AP

To

1. The Principal Subordinate Judge
Hosur.
2. The Principal Subordinate Judge
Coimbatore.

Tr.CMP.No.822/2021

PL (CO)
PM/11/02/2022