

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.06.2022

CORAM:

THE HONOURABLE MRS.JUSTICE S.KANNAMMAL

Tr.C.M.P.No.874 of 2021
and
C.M.P.No.19623 of 2021

Kavitha ... Petitioner / Respondent
Vs.
Mohanraj ... Respondent / Petitioner

This Petition filed under Section 24 of the Code of Civil Procedure, praying to withdraw the proceedings in H.M.O.P.No.237 of 2021 from the file of the the II Additional Subordinate Court, Coimbatore and to transfer the same to the file of the Subordinate Court, Kangayam.

For Petitioner : Mr. R. Prabakar
For Respondent : Mr. S. Muthuselvan

ORDER

The wife seeks transfer of proceedings in H.M.O.P.No.237 of 2021 on the file of the II Additional Subordinate Court, Coimbatore to the Subordinate Court, Kangeyam.

2. HMOP No. 237 of 2021 has been filed by the husband seeking divorce on the ground of cruelty before the II Additional Subordinate Court, Coimbatore. The wife is admittedly a resident of Kangeyam, Tiruppur District. The transfer is sought for mainly on the ground of convenience of the wife who is having a minor child aged about 3 years.

3. Mr.S.Muthuselvan, learned counsel appearing for the respondent/husband would submit that it is very difficult to attend every hearing if the proceedings are transferred to the Subordinate Court, Kangeyam. The learned counsel would further submit that he has no objection for the proceedings being transferred if his presence would not be required for regular hearings.

4. Considering the facts and circumstances of the case and the statement of the learned counsel appearing for the respondent, this Transfer Civil Miscellaneous Petition is allowed. Accordingly, H.M.O.P.No.237 of 2021 is hereby ordered to be withdrawn from the file of the II Additional Subordinate Court, Coimbatore and transferred to the Subordinate Court, Kangeyam, to be tried and disposed of in accordance with law. However, the Subordinate Court, Kangeyam is directed not to insist upon the personal appearance of the respondent/husband except during the enquiry stage or any day, when his personal appearance is immensely required. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

vum

To

1. The Subordinate Judge,
Kangeyam.
2. The II Additional Subordinate Judge,
Coimbatore.

Copy to
The Section Officer,
VR Section,
High Court, Madras - 104.

+1cc to Mr. R. Prabakar, Advocate, S.R.No.38137
+1cc to Mr. S. Muthuselvan, Advocate, S.R.No.38145

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MG[co]
NSK/13/07/2022