



WEB COPY



TR.CMP.No.973 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.09.2022

CORAM:

THE HONOURABLE MR.JUSTICE S.SOUNTHAR

TR.CMP.No.973 of 2022

and

C.M.P.No.16681 of 2022

M.Rajesh

... Petitioner

VS

Nowshika

... Respondent

Prayer: Transfer Civil Miscellaneous Petition is filed under Section 24 of Civil Procedure Code, praying to withdraw F.C.O.P.No.404 of 2022 on the file of the Family Court, Erode and transfer the same to Family Court, Chennai.

For Petitioner : M/s.A.S.Neela Narayani

For Respondent : No Appearance

ORDER

The husband has filed this Transfer Civil Miscellaneous Petition seeking transfer of the petition filed by respondent/wife seeking restitution of conjugal rights in F.C.O.P.No.404 of 2022 from the file of the Family Court, Erode to the Family Court, Chennai.



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2. According to the petitioner/husband, he met with an accident in the month August 2022 and he has been in regular medication. It is also stated that as per the advice, he is not in a position to travel such a long distance. In support of the averment made in the affidavit, the petitioner enclosed the MRI scan report of his left knee. The reading of opinion given by the Consultant Radiologist would suggest that most of the parameters were found to be normal. In other words, there is nothing in the medical report submitted by the petitioner to show that he is immobilized. In the absence of the any medical record to support the plea of the petitioner that he is immobilized from undertaking long travel, this Court is not inclined to accept the plea raised by the petitioner. Accordingly, this Transfer Civil Miscellaneous petition is dismissed. Consequently, connected miscellaneous petition is closed. No costs.

28.09.2022

Index : Yes / No
Speaking Order : Yes / No
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To
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1. The Family Court,
Erode.
2. The Family Court,
Chennai.



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S.SOUNTHAR, J.

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