



Tr.C.M.P.No.959 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.06.2022

CORAM:

THE HONOURABLE MRS.JUSTICE S.KANNAMMAL

Tr.C.M.P.No.959 of 2021
and C.M.P.No.21436 of 2021

Udhayachandrika

... Petitioner

Vs.

Shanmugavel

... Respondent

PRAYER: Transfer Civil Miscellaneous Petition is filed under Section 24 of the Code of Civil Procedure, to withdraw H.M.O.P.No.122 of 2021 on the file of the Sub-Court, Mettur and transfer the same before the Family Court, Erode.

For Petitioner : Mr.R.Nalliyappan
For Respondent : Mr.V.Balamurugane

ORDER

The present Transfer Civil Miscellaneous Petition is filed to withdraw H.M.O.P.No.122 of 2021 on the file of the Sub-Court, Mettur and transfer the same before the Family Court, Erode.

2.The respondent/husband has filed a Divorce petition in H.M.O.P.No.122 of 2021 before the Sub-Court, Mettur and the same is still



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pending before the respective Court.

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3.The learned counsel for the petitioner/wife submitted that the petitioner is having young child and that she has no source of income and she is depending on her parents for her day to day expenses and she is taking care of them. He would further submit that the petitioner being lady, she was unable to travel all along from Erode to Mettur for attending the Court on every hearing in H.M.O.P.No.122 of 2021 on the file of the Sub-Court, Mettur. Therefore she seeks to transfer the case in H.M.O.P.No.122 of 2021 from the file of the Sub-Court, Mettur to the file of the Family Court, Erode.

4.The learned counsel for the respondent would submit that the respondent is employed at Bangalore and if the case is transferred to Sub-Court, Bhavani, it will be easy for both the petitioner and the respondent to attend the Court proceedings and the parties appearance is not must and they can appear through counsel.

5.Considering the facts and circumstances of the case and considering the submissions made by the learned counsel for the parties, H.M.O.P.No.122



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of 2021 is withdrawn from the file of the Sub-Court, Mettur and transferred to the file of the Sub-Court, Bhavani for disposal as per law. The learned Sub-Judge, Mettur, is directed to transmit the papers to the Sub-Judge, Bhavani forthwith. The learned Sub-Judge, Bhavani is directed to dispose of H.M.O.P.No.122 of 2021 on merits and in accordance with law as expeditiously as possible. This Court deems it appropriate to direct the learned Sub-Judge, Bhavani not to insist upon the personal appearance of the petitioner/wife except during the enquiry stage or any day, when her personal appearance is required.

6.Accordingly, with the above observation, this Transfer Civil Miscellaneous Petition is allowed. However, the respondent/husband is directed to pay all the travel and stay expenses of the petitioner/wife and her companion for each and every occasion when she is required to attend the Court at Bhavani. No costs. Consequently, connected miscellaneous petition is closed.

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Internet : Yes / No
Index : Yes / No

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S. KANNAMMAL, J.

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To:

- 1.The Sub-Judge, Mettur.
- 2.The Judge, Family Court, Erode.
- 3.The, Sub-Judge, Bhavani.

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