



Tr.C.M.P.No.328 of 2023
and C.M.P.No.7343 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.11.2023

CORAM:

THE HON'BLE MRS.JUSTICE T.V.THAMILSELVI

Tr.C.M.P.No. 328 of 2023

and

C.M.P.No.7343 of 2023

A.Parameswari
W/o. Dinesh Kumar

... Petitioner

Vs.

Dinesh Kumar
S/o.Vasu

... Respondent

PRAYER: Transfer Civil Miscellaneous Petition is filed under Section 24 of C.P.C., praying to withdraw the F.C.O.P.No.333 of 2022 pending on the file of Family Court, Erode and to transfer the same to the file of Sub-Court, Omalur, Salem District.

For Petitioner : Mr.N.Anand

For Respondent :Mr.P.Chandrasekaran



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ORDER

The petitioner/wife seeks transfer of F.C.O.P.No.333 of 2022 pending on the file of Family Court, Erode to the file of Sub-Court, Omalur, Salem District. The petitioner / wife seeks transfer of the proceedings before the Sub-Court, Omalur, Salem District on the ground that she is living at Salem with one male child, aged about 2 ½ years and she is not able to attend the court hearings by traveling 70 kms from Salem.

2. The learned counsel for the petitioner submitted that the marriage between the respondent and the petitioner was solemnized on 12.12.2018 at Sri Mariamman Kovil Marriage Hall, Elampillai, Salem district as per Hindu Rites and Customs, out of the wedlock, one male child born to them. He further submitted that the respondent has filed a petition in F.C.O.P.No.333 of 2022 before the Family Court, Erode which is 70 kilometers away from her residence. As a lady, the petitioner finds it difficult to undertake long travel to Erode to attend the Court proceedings. Hence, the petitioner has



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filed this TR.C.M.P.No.328 of 2023 to withdraw and transfer the F.C.O.P.No.333 of 2022 from the file of Family Court, Erode to the file of Sub-Court, Omalur, Salem District.

3. Considering the facts and circumstances and the reason assigned by the petitioner is justifiable, this Court is inclined to transfer the F.C.O.P.No.333 of 2022 to the Sub-Court, Sankagiri.

4. In view of the above, F.C.O.P.No.333 of 2022 is withdrawn from the file of the Family Court, Erode and transferred to the file of Sub-Court, Sankagiri to be disposed of in accordance with law and the learned Family Judge, Erode is directed to send entire records to the learned Sub-Judge, Sankagiri, within a period of two weeks from the date of receipt of a copy of this order.

5. Accordingly, this Transfer Civil Miscellaneous Petition is allowed. No costs. Consequently, connected miscellaneous petition is closed.



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T.V.THAMILSELVI, J.

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6. However, the learned Sub-Judge, Sankagiri is directed to issue notice to the respondent and dispose of the case as early as possible, preferably within a period of six months from the date of this order.

20.11.2023

Index : Yes / No

Neutral Citation: Yes / No

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To

1. The Family Court, Erode.
2. The Sub-Court, Sankagiri

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