



Tr.C.M.P.No.319 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14.09.2023

C O R A M

THE HONOURABLE MRS.JUSTICE BHAVANI SUBBAROYAN

TR C.M.P. No.319 of 2023

and

C.M.P.No.7126 of 2023

N. Sridharan

... Petitioner

Vs.

Janani

... Respondent

PRAYER: This Transfer Civil Miscellaneous Petition is filed under Section 24 of Civil Procedure Code, 1908 to withdraw the H.M.O.P.No.105 of 2022 pending on the file of the Subordinate Court, Avinashi, Tiruppur District and transfer the same to the file of Family Court, Chennai and pass orders.

For Petitioner : Mr.R.K. Arjun Raj

For Respondent : N.S. Sivakumar



Tr.C.M.P.No.319 of 2023

WEB COPY

ORDER

This Transfer Civil Miscellaneous Petition has been filed seeking to withdraw the H.M.O.P.No.105 of 2022 pending on the file of the Subordinate Court, Avinashi, Tiruppur District and transfer the same to the file of Family Court, Chennai.

2. The case of the petitioner is that he married the respondent on 28.08.2020 at S.R.S Mini Hall as per Hindu customs and Rites. Thereafter, there was some misunderstanding between the couple, due to which the respondent left the matrimonial home and filed a petition in H.M.O.P.No.105 of 2022 seeking for divorce. The further contention of the petitioner is that he is suffering from chronic Tailbone pain - Coccydynia and unable to sit down and cannot able to travel to Avinashi from Chennai and attend the Court proceedings. Hence, the petitioner has come forward with this present petition to withdraw the above H.M.O.P and transfer the same to the file of the file of Family Court, Chennai.

3.The learned counsel for the petitioner submitted that the petitioner had under gone surgery in spinal cord and he is not able to travel to



Tr.C.M.P.No.319 of 2023

Avinashi and attend the Court Proceedings. Hence, he seeks to withdraw H.M.O.P.No.105 of 2022 from the file of Subordinate Court, Avinashi, Tiruppur District and transfer the same to the file of the Family Court, Chennai.

4. The learned counsel for the respondent objected to transfer the case to Family Court, Chennai.

5. Heard the learned counsel for the petitioner as well as the respondent. Perused the materials available on record.

6. In view of the above submission made by the learned counsel appearing for the petitioner and considering the facts and circumstances of the case, this Court is not inclined to withdraw H.M.O.P.No.105 of 2022 pending on the file of the Subordinate Court, Avinashi, Tiruppur District. Since, the Court proceedings are pending in the Subordinate Court at Tiruppur, the petitioner is directed to appear before the Court as and when he is required to appear and the advocate who defends his case will appear on all hearing dates. However, the petitioner is instructed to canvass his medical ailments before the learned Judge and seek permission for not



Tr.C.M.P.No.319 of 2023

attending the Court proceedings on specific dates and the same to be considered by the Court as per law.

7. In the result, the Transfer Civil Miscellaneous Petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

14.09.2023

Index:Yes/No

Internet:Yes/No

Speaking Order/Non Speaking Order
smn

To

1. The Subordinate Court, Avinashi, Tiruppur District
2. The Family Court, Chennai



WEB COPY



Tr.C.M.P.No.319 of 2023

V.BHAVANI SUBBAROYAN., J.

smn

TR C.M.P. No.319 of 2023
and
C.M.P.No.7126 of 2023

14.09.2023