



Tr.CMP.No.145 of 2023

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.04.2024

CORAM

THE HONOURABLE MR.JUSTICE V.LAKSHMINARAYANAN

Tr.CMP.No.145 of 2023

and

C.M.P.No.3092 of 2023

Sumithra

.. Petitioner

Vs.

S.Balachandar

.. Respondent

Prayer : The Transfer Civil Miscellaneous Petition is filed under Section 24 of the Civil Procedure Code, to withdraw the H.M.O.P.No.118 of 2022 from the Family Court, Tiruppur and to transfer the same to the file of the Family Court, Erode.

For Petitioner : Mr.Senthilkumar
for Mr.R.Prabakar

For Respondent : Mr.P.Arul Gnana Prakash
for Mr.M.Pitchai Muthu



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ORDER

The present Transfer Civil Miscellaneous Petition has been filed by the wife seeking transfer of the proceedings from the file of the Family Court, Tiruppur to the file of the Family Court at Erode.

2. The petitioner and the respondent entered into a matrimony on 24.08.2020 at Kunnathur. Subsequently, the parties made Tiruppur as their matrimonial home. During the pandemic, as the petitioner was pregnant and the respondent had tested positive for COVID-19, it was decided that the petitioner stays at her father's house in Erode till her delivery. The record produced before the court shows that a baby girl, by name, B.S.Tanya was delivered by the petitioner on 25.11.2021.

3. Subsequently, due to the differences between the parties, they are before the Court in H.M.O.P.No.118 of 2022 on the file of the Family Court at Tiruppur. This proceedings had been initiated by the husband against the wife.



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4. The wife, having a child of tender age, finds it difficult to travel from Erode to Tiruppur for the purpose of attending every hearing. Therefore, she has moved the present transfer application.

5. Heard Mr.Senthilkumar appearing for the petitioner and Mr.P.Arul Gnana Prakash appearing for the respondent.

6. Mr.Senthilkumar would draw my attention to the birth certificate to show that the child is of a tender age and requires the attention of the mother. He would state that though the distance from Erode to Tiruppur is not considerable, the petitioner is having great difficulty to travel the distance of 70 Kms with the child. Therefore, she seeks for transfer of the proceedings.

7. The learned counsel for the respondent/husband admits that the child has been born in November 2021 and also states that the distance between Tiruppur and Erode is not that far for her to undergo any suffering.



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8. Considering the overall facts and circumstances, since the petitioner would be put to much hardship by travelling with a 2 and a half years old child from Erode to Tiruppur, I am inclined to allow the transfer application.

9. Accordingly, the Transfer Civil Miscellaneous Petition stands allowed. The learned Family Judge at Erode is requested to take note of the fact that the husband is employed at Chennai and not insist upon his appearance for every hearing. The presence of the respondent might be insisted upon only for essential hearings. For other non-essential hearings, the respondent may be represented through a counsel. No costs. Consequently, connected Civil Miscellaneous Petition is closed.

05.04.2024

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Index: Yes/No

Speaking Order : Yes/No

Neutral Citation: Yes/No



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V. LAKSHMINARAYANAN, J.

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To

1.The Family Court,
Tiruppur

2.The Family Court,
Erode

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and

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