



Tr CMP.No.468 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.09.2024

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THE HON'BLE MR.JUSTICE V.LAKSHMINARAYANAN

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Kanakatharini : Petitioner

versus

S.Karthikeyan : Respondent

Prayer: Petition filed under Section 24 of the Code of Civil Procedure to withdraw the OP.No.318 of 2023 on the file of the Subordinate Court, Kancheepuram and to transfer the same to the file of the Family Court at Coimbatore.

For Petitioner : Mr.Krishnasamy Chinasamy

For Respondent : Mr.C.R.Malarvannan

ORDER

The petitioner is the wife. The respondent is the husband. The respondent seems to be a resident of Ontario, Canada. The petitioner



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married the respondent on 24.02.2021 at Coimbatore. From the wedlock, there are no children. Due to disputes and difference, the parties have separated. The husband, invoking Section 13(1)(a) of the Hindu Marriage Act, has presented HMOP.No.318 of 2023 on the file of the Subordinate Court at Kanchipuram.

2. The wife, who seems to have been working in Chennai at Siruseri, has left her employment and shifted to Coimbatore. She has lodged a petition in DVC.No.34 of 2024 before the jurisdictional court at Coimbatore. Pleading that she is unable to travel from Coimbatore to Chennai and thereafter to Kancheepuram for every hearing, she has presented the present petition.

3. Notice was ordered in this application on 26.04.2024 and Mr.Malarvannan entered for the respondent.

4. Mr.Malarvannan would contend that the petitioner is working in Chennai and therefore, the Courts in Chennai would be convenient for both



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5. Mr. Krishnasamy Chinnasamy representing the petitioner/wife would submit that the wife has resigned her join due to her health condition and has returned to Coimbatore.

6. It is not in dispute that the husband is not in India and is contesting the proceedings only with the assistance of a power of attorney. Therefore, whether the proceedings are held in Coimbatore or in Kancheepuram, it matters not to the respondent, since it is a power agent who is going to undertake the travel.

7. Taking into consideration the convenience of the wife and the fact that the husband is in abroad, I am inclined to consider the transfer. The proceedings in O.P.No.318 of 2023 is withdrawn from the file of the Subordinate Court at Kancheepuram and is transferred to the file of the Family Court at Coimbatore.



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8. The Family Court at Coimbatore need not insist upon the respondent to appear for every hearing except the essential hearing. The respondent shall be present only for such hearings when his appearance is indispensable. For all other hearings, the respondent shall be represented by a counsel.

9. With the above directions, this transfer petition is allowed. No costs.

06.09.2024

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Index : Yes/No

Speaking Order/Non-speaking order

Neutral Citation : Yes/No



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To
1.The Subordinate Court, Kancheepuram

2.The Family Court, Coimbatore



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V.LAKSHMINARAYANAN, J.

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