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Tr.C.M.P.No.355 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.04.2024

CORAM

THE HON'BLE MR.JUSTICE V. LAKSHMINARAYANAN

Tr.C.M.P.No.355 of 2024

and

C.M.P.No.7487 of 2024

Soundra Vanji Nayaki R.

... Petitioner

Vs

Balamurugan R.

... Respondent

Prayer : Petition filed under Section 24 of the Code of Civil Procedure praying to withdraw H.M.O.P.No.248 of 2023 pending before the Sub Court at Udumalpet and transfer to the Family Court, Chennai.

For Petitioner : Mr.S.Namasivayam

For Respondent : Mr.D.R.Arunkumar

ORDER

The petitioner is on a temporary assignment in Chennai. She is a permanent resident of Udumalpet. Taking advantage of the fact that she has been posted in Chennai and has been temporarily residing here, she seeks transfer of H.M.O.P.No.248 of 2023 from the file of the Sub Court at Udumalpet to the file of the Family Court at Chennai.



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2. Going through the averments made in the petition, I am able to see that the husband, who has presented H.M.O.P.No.248 of 2023, is a permanent resident of Udumalpet town. The petitioner too is a permanent resident of Udumalpet. It is not in dispute that the child of the petitioner and the respondent is also stationed in Udumalpet.

3. The only reason for the transfer is that the petitioner has secured an employment at Chennai. It is possible that the petitioner might be transferred from this job to elsewhere, that does not mean the case should be transferred wherever the petitioner goes.

4. I am not convinced with the reasons given in the affidavit. Hence, the transfer petition is dismissed. However, the learned Subordinate Judge at Udumalpet will not insist upon the presence of the petitioner for all the hearings. The petitioner/wife need to be present only for such hearings where her presence is indispensable. For all other hearings, her presence is not essential and she will be represented through a counsel.

5. With the above observations, the Tr.C.M.P. is dismissed. No



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costs. Consequently, connected miscellaneous petition is also dismissed.

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Index : Yes/No

Neutral Citation : Yes/No

Sgl

To

1.The Sub Court, Udumalpet.

2.The Family Court,
Chennai.



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V. LAKSHMINARAYANAN, J.

Sgl

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