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Tr.C.M.P.No.390 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.11.2024

CORAM:

THE HONOURABLE MR.JUSTICE V.LAKSHMINARAYANAN

Tr.C.M.P.No.390 of 2023 and
C.M.P.No.8476 of 2023

Aarthi

.. Petitioner

Vs.

G.Sharma

.. Respondent

PRAYER: Transfer Civil Miscellaneous Petition is filed under Section 24 of the Civil Procedure Code, to withdraw and transfer O.P.No.369 of 2022 from the file of the Family Court at Dindigul to the file of the Family Court at Chengalpet.

For Petitioner : Mr.M.Sarfudeen Ali Ahamed

For Respondent : Mr.Harish Parvatham

ORDER

The wife is the petitioner. She married the respondent on 24.10.2021. Thereafter, they separated. The husband soon thereafter filed a petition for divorce in O.P.No.369 of 2022 on the file of the Family

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Court at Dindigul alleging that he is entitled to divorce on the ground of cruelty. The wife has initiated H.M.O.P.No.86 of 2023 on the file of the Family Court at Chengalpet seeking restitution of conjugal rights. Pleading that the wife is unable to travel the distance of nearly 375 kilometers from Maraimalai Nagar to Dindigul to attend the hearing, she has moved this transfer petition.

2. Notice was ordered on the respondent in this petition. Mr.Harish Parvatham has entered appearance for the respondent/husband.

3. Heard Mr.Sarfudeen Ali Ahamed and Mr.Harish Parvatham for the respective parties.

4. Mr.Harish Parvatham pleads that the respondent/husband is working in Bangalore and would find it extremely difficult to travel to Chengalpet to attend the hearing and at the same time, travel to Dindigul to take care of his ailing mother. He states that the father of the respondent has undergone operation in his legs and therefore, he is

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immobile. Painting a picture of absolute pity of having to take care of his aged parents, while he is in Bangalore, Mr.Harish Parvatham wants the proceedings to be transferred to Chennai.

5. I have carefully considered the submissions of both sides.

6. When it comes to matters of transfer, it is the convenience of the wife, which has to be given priority by the Court. The husband is admittedly working in Bangalore and he is not in Dindigul taking care of his parents. This shows, even in his absence, his parents are able to carry on in Dindigul. No doubt, as a dutiful son, he would be called upon to attend on his parents health as and when required. That cannot be a sole ground for the purpose of dismissing the transfer or transferring to a place, which would cause inconvenience to the wife. Maraimalai Nagar is closer to Chengalpet than Chennai. The travel from Maraimalai Nagar to Chennai to take at the least a couple of hours.

7. Taking over all circumstances into consideration, I am inclined to accept the transfer. Accordingly, O.P.No.369 of 2022 on the file of the Family Court at Dindigul is withdrawn and transferred to the Family



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Court at Chengalpet.

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8. The learned Family Judge at Chengalpet is requested not to insist upon the presence of the husband for every hearing. For every hearing, the husband shall be represented by a counsel. For all those hearings where his presence is essential, he shall be present.

9. This Transfer Civil Miscellaneous Petition stands allowed on the above terms. No costs. Consequently, connected miscellaneous petition is closed.

06.11.2024

Index: Yes/No
Internet: Yes/No
Neutral Citation: Yes/No

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V.LAKSHMINARAYANAN,J.

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To

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1. The Family Court at Dindigul.
2. The Family Court at Chengalpet.

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