



Tr.CM.P.No.387 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17.04.2024

CORAM:

THE HONOURABLE MR.JUSTICE V.LAKSHMINARAYANAN

Tr.C.M.P.No.387 of 2023

and

C.M.P.No.8425 of 2023

Kasthuri

.. Petitioner

Vs.

Rajagopal

.. Respondent

Prayer: This Transfer Civil Miscellaneous Petition is filed under Section 24 of the Civil Procedure Code to withdraw H.M.O.P.No.29 of 2022 pending on the file of the Family Court, Madurai (Madurai District) and transfer the same to the file of Family Court, Erode (Erode District) to try along with F.C.O.P.No.137 of 2023.

For Petitioner : Mr.B.Vetrivel

For Respondent : Mr.Habeeb Rahman



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ORDER

The present petition seeks to transfer H.M.O.P.No.29 of 2022 pending on the file of the Family Court at Madurai to the file of Family Court at Erode to be tried along with F.C.O.P.No.137 of 2023.

2. The petitioner and the respondent got married on 29.01.2011. From the wedlock three children have been born and they are under the custody of the mother. Alleging that the husband had committed acts of cruelty, the wife has initiated F.C.O.P.No.137 of 2023 on the file of the Family Court at Erode. Prior to this, the husband has initiated proceedings for restitution of conjugal rights in H.M.O.P.No.29 of 2022 on the file of the Family Court at Madurai.

3. The distance between Madurai and Erode takes about 5 hours by road. To expect a mother of three children to travel this distance might not be conducive.

4. Taking into consideration the overall circumstances, H.M.O.P.No.29



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of 2022 is withdrawn from the file of the Family Court at Madurai and transferred to the file of the Family Court at Erode to be heard and disposed along with F.C.O.P.No.137 of 2023.

5. The husband need not travel for every hearing to the Family Court at Erode. His presence shall be insisted upon only for hearings where his appearance is indispensable. For all other hearings including procedural hearing, he may appear through a counsel.

6. With the above directions, this Transfer Civil Miscellaneous Petition is allowed. No costs. Connected miscellaneous petition is closed.

17.04.2024

Index : Yes / No
Neutral Citation : Yes / No
Speaking Order / Non-speaking order
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V.LAKSHMINARAYANAN, J.

bkn

To

1. Family Court at Madurai
2. The Family Court,
Erode.

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