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Tr.C.M.P.No.439 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.10.2024

CORAM :

THE HON'BLE MR.JUSTICE V.LAKSHMINARAYANAN

Tr.C.M.P.No.439 of 2024
and C.M.P.No.8998 of 2024

M.Karthika

.. Petitioner

Versus

E.Ramkumar

.. Respondent

Prayer : Transfer Civil Miscellaneous Petition is filed under Section 24 of the Code of Civil Procedure, 1908, to withdraw F.C.O.P.No.88 of 2024 on the file of the Family Court, Chengalpattu and transfer the same to the Sub-Court, Mettur, Salem district.

For Petitioner : Mr.M.Senthilkumar

For Respondent : Mr.A.Fernandez

ORDER

The petitioner is the wife. She seeks for withdrawal of F.C.O.P.No.88 of 2024 from the file of the Family Court at Chengalpattu and transfer the same to the file of the Sub-Court at Mettur.



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2. The petitioner married the respondent on 14.11.2018 at Villupuram. From the wedlock, a child was born on 04.11.2019. Thereafter, the parties separated. The respondent/husband initiated proceedings for divorce under Section 13(1)(ia) of the Hindu Marriage Act, 1955 before the Family Court at Chengalpattu. On being served with the summons, the petitioner/wife has moved this petition.

3. Notice was ordered in this petition on 22.04.2024 and Mr.A.Fernandez, learned Counsel has entered appearance for the respondent/husband.

4. Heard Mr.M.Senthil Kumar, learned Counsel for the petitioner and Mr.A.Fernandez, learned Counsel for the respondent.

5. The relationship between the parties is not in dispute. The distance between Mettur and Chengalpattu is considerable. Apart from that, the petitioner/wife is taking care of a four year old child. Therefore, she will find it difficult to travel from Mettur to Chengalpattu.



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6. Considering the convenience of the wife, the proceeding in F.C.O.P.No.88 of 2024 is withdrawn from the file of the Family Court, Chengalpattu and transferred to the Sub-Court, Mettur. Mr.A.Fernandez submits that the petitioner/husband would be forced to travel from Chengalpattu to Mettur to attend the hearing. The proceedings being pending before the Subordinate Court, Mettur, he can always represent the proceedings with the help of a lawyer and need to appear only for hearings where his presence is essential.

7. With the above directions regarding appearance of the respondent/husband, this Transfer Civil Miscellaneous Petition is allowed. No costs. Consequently, connected miscellaneous petition is closed.

18.10.2024

Index : yes/no
Speaking order/Non-speaking order
Neutral Citation : yes/no
grs

To

1. The Family Court,



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Chengalpattu.
2. The Sub-Court,
Mettur, Salem District.



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V.LAKSHMINARAYANAN, J.

grs

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