



Tr.C.M.P.No.493 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.493 of 2024
and C.M.P.No.10100 of 2024

V.Durgapriya

.. Petitioner

Versus

O.Manojkumar

.. Respondent

Prayer : Transfer Civil Miscellaneous Petition is filed under Section 24 of the Code of Civil Procedure, 1908, to withdraw and transfer the petition in O.P.No.361 of 2023 from the file of the Family Court at Theni to the file of Sub-Court at Poonamalle or any other competent Court to try the same.

For Petitioner : Mr.T.Vijayshankar

For Respondent : No Appearance

ORDER

The petitioner married the respondent on 24.08.2020. Due to disputes and differences, they separated. The husband initiated proceedings in O.P.No.No.361 of 2023 on the file of the Family Court at Theni. The wife, being a resident of Avadi, has sought for transfer of this proceeding from



Tr.C.M.P.No.493 of 2024

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the file of the Family Court, Theni to the file of the Sub-Court at Poonamallee.

2. Notice was ordered in the application on 04.06.2024. The respondent was served, but, he did not enter appearance. None represents the husband to oppose the said application.

3. I have heard Mr.T.Vijayshankar, learned Counsel for the petitioner and have gone through the records.

4. The distance between Avadi and Theni is considerable. The petitioner is a young girl who is aged about 23 years. It would be difficult for her to travel from Avadi to Theni for the purpose of attending hearing. Taking into consideration the convenience of the wife, the proceeding in O.P.No.361 of 2023 on the file of the Family Court, Theni is withdrawn and transferred to the file of the Subordinate Court, Ambattur. The learned Subordinate Judge at Ambattur shall ensure that summons are served to the respondent/husband and after summons are served, the learned Judge shall not insist on the appearance of the husband for every hearing. He shall be



Tr.C.M.P.No.493 of 2024

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represented by a Counsel on all hearing dates. On hearing dates in which his presence is essential, he shall present himself.

5. 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,
Theni.
2. The Sub-Court,
Ambattur.



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Tr.C.M.P.No.493 of 2024

V.LAKSHMINARAYANAN, J.

grs

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