



Tr CMP.No.491 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.09.2024

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THE HON'BLE MR.JUSTICE V.LAKSHMINARAYANAN

Tr CMP.No.491 of 2024 &
CMP.No.10019 of 2024

S.Priya : Petitioner

versus

S.Saravanan : Respondent

Prayer: Petition filed under Section 24 of the Code of Civil Procedure to withdraw the HMOP.No.26 of 2024 on the file of the Sub Court, Musiri and transfer the same to the Family Court, Salem.

For Petitioner : Mr.J.Ramakrishnan

For Respondent : Mr.M.Kirubaharan

ORDER

The transfer petitioner is the wife. She married the respondent on 01.07.2018. From the wedlock, two children were born on 06.07.2019 and 26.05.2021 respectively. Due to differences and disputes, the parties have



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separated. Both children are in the custody of the wife and are school-going, currently studying at Salem.

2. The husband has initiated HMOP.No.26 of 2024 on the file of the Sub Court at Musiri. The wife pleads that Musiri and Salem is quite a distance and she frequently encounters difficulties as there is no one to accompany her on the travel to Musiri. Hence this petition.

3. Notice was ordered in this petition on 04.06.2024 and husband has entered appearance through a counsel.

4. I have heard Mr.J.Ramakrishnan for the petitioner and Mr.M.Kirubaharan for the respondent.

5. Mr.M.Kirubaharan would plead that the proceedings be transferred to a place which is midway between Musiri and Salem.

6. The ground for transfer is that the wife is taking care of two school going children and is not in a position to travel out of Salem. By transferring the proceedings to a place which is midway between Musiri and Salem, the issue does not vanish. She is going to continue to face the problem of travel. Hence, I am not inclined to transfer the proceedings to a midpoint between Musiri and Salem.



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7. Taking into consideration the convenience of the wife and the fact that she is taking care of two children, I am inclined to accept this transfer. The proceedings in HMOP.No.26 of 2024 is withdrawn from the file of the Sub Court, Musiri and is transferred to the file of the Family Court at Salem. It is made clear that the Family Court at Salem need not insist upon the respondent to appear for every hearing except the essential hearing. The respondent shall be present only for such hearings when his appearance is indispensable. For all other hearings, the respondent shall be represented by a counsel.

8 . With the above directions, this transfer petition is allowed. No costs. Consequently, the connected miscellaneous petition is closed.

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Index : Yes/No
Speaking Order/Non-speaking order
Neutral Citation : Yes/No



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V.LAKSHMINARAYANAN, J.

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To

1.The Sub Court, Musiri

2.The Family Court, Salem.

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