



WEB COPY



Tr.CMP No.470 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.06.2024

CORAM :

THE HONOURABLE MR.JUSTICE V. LAKSHMINARAYANAN

TR.CMP No.470 of 2023
and C.M.P.No.10749 of 2023

A.Asifa

.... Petitioner

-Vs-

V.Syed Mohammed Shafi

.... Respondent

Prayer : Transfer Civil Miscellaneous Petition under Section 24 of C.P.C., to withdraw O.S.No.15 of 2023 from Family Court, Tiruchirappalli and to transfer the same to the file of the Family Court, Erode.

For Petitioner : Mr.R.Prabakar
For Respondent : No appearance

ORDER

The petitioner is the wife. The husband has filed O.S.No.15 of 2023 on the file of the Family Court at Trichirappalli seeking for restitution of conjugal rights. The petitioner states that she is a permanent resident of Erode and being unable to maintain herself, she has initiated proceedings under Section 125 of Cr.P.C. Learned counsel for the petitioner states that the M.C. proceedings has been disposed of. The petitioner pleads that she is unable to travel from Erode, where she is currently residing, to Trichy to contest the case. The petitioner belongs to Islamic persuasion and is aged about 24 years.



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2. Taking into consideration the difficulties expressed by her and since Erode and Trichirappalli are separated by about 200 Kms, I am inclined to consider the petition. When the matter was listed yesterday, there was no representation for the respondent. Therefore, in order to give an opportunity to the respondent, I posted the matter today. Even today, there is no representation.

3. Taking into consideration the interest of the wife, this Transfer Petition is allowed. The proceedings in O.S.No.15 of 2023 on the file of the Family Court at Trichy is withdrawn and transferred to Family Court at Erode. The Family Court, Erode need not insist upon the appearance of the husband for every hearing. For procedural and non-essential hearings, the husband shall be permitted to appear through counsel and for essential hearings, he shall be present in person.

4. With the above directions, the Tr.C.M.P. is allowed. No costs. Consequently, connected miscellaneous petition is closed.

04.06.2024

Index : Yes/No

Neutral Citation : Yes/No

KST



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To

1.The Family Court, Tiruchirappalli.

2.The Family Court, Erode.

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V. LAKSHMINARAYANAN, J.

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