



Tr CMP.No.545 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.545 of 2024 &
CMP.No.12021 of 2024

Gowthami : Petitioner

versus

Vasudevan : Respondent

Prayer: Petition filed under Section 24 of the Code of Civil Procedure to withdraw the case in HMOP.No.176 of 2022 on the file of the learned Sub Court, Omalur, Salem District and transfer the same to the learned Family Court, Erode to be tried along with FCOP.No.106 of 2024.

For Petitioner : Mr.V.S.Mahakrishnan

For Respondent : Ms.B.Leela

ORDER

The petitioner is the wife. She married the respondent on 27.02.2009.

From the wedlock, a boy was born on 28.10.2009. Due to disputes and



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differences, the parties separated in 2018. Thereafter, the wife has been residing in her father's house at Kasthuripa Village, Erode District.

2. The husband is residing in K.R.Thoppur, Salem District. He presented HMOP.No.176 of 2022 on the file of the Omalur seeking restitution of conjugal rights. The petitioner has initiated a proceeding for divorce before the Family Court at Erode. Pleading that she is not in a position to travel, she has moved the present transfer petition.

3. Notice was ordered in the application on 19.06.2024 and the respondent has entered appearance through Ms.Leena.

4. Ms.Leena has filed a counter to the said transfer petition. She would plead that the petitioner has filed MC.No.7 of 2022 for maintenance before the Family Court at Erode. After denying the allegations made in the petition, the respondent states that he has no objection for transfer from Sub Court, Omalur to the Family Court at Erode.



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5. Taking into consideration the counter that has been filed by the respondent/husband as well as the fact that there must not be conflict of judgments, HMOP.No.176 of 2022 is withdrawn from the file of the Sub Court at Omalur and is transferred to the file of the Family Court at Erode to be heard and disposed of along with HMOP.No.106 of 2024 and MC.No.7 of 2022. It is made clear that the Family Court at Erode 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.

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

06.09.2024

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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 at Omalur

2.The Family Court at Erode

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