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Tr.C.M.P.No.556 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.08.2024

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THE HONOURABLE MR.JUSTICE M.NIRMAL KUMAR

Tr.C.M.P.No.556 of 2024 and
C.M.P.No.12213 of 2024

K.Ruthra

... Petitioner

Vs.

K.Sudarsanan

... Respondent

PRAYER: Transfer Civil Miscellaneous Petition filed under Section 24 of the Code of Civil Procedure, to withdraw the HMOP.No.136/2024 on the file of the Subordinate Court, Ambattur and to transfer the same to Family Court at Coimbatore.

For Petitioner : Mr.M.D.Ilayaraja
For Respondent : Mr.Dhruva.A.Thaker for
M/s.Sham & Sham

ORDER

The petitioner filed this transfer petition seeking transfer of divorce petition in HMOP.No.136 of 2024 filed by her estranged husband/respondent from the file of the Subordinate Court, Ambattur to the file of the Family Court at Coimbatore.

2.The learned counsel for the petitioner submitted that marriage



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between petitioner and respondent solemnized on 23.01.2023 at Police Community Hall, Avinashi Road, Coimbatore and they started their matrimonial life in the house of the respondent's father. The petitioner is working in Coimbatore at NIMHANS as a Project Coordinator. If she is to attend the proceedings in HMOP.No.136 of 2024 before the Court at Ambattur, she has to take leave for two days. Further the petitioner's nine months of salary is held up by NIMHANS as they did not receive funds from the project. The petitioner's father is a Driver and her mother is a housewife. At this stage, she cannot travel all the way from Coimbatore to Ambattur to attend the Court proceedings. Hence, she prays for transfer of the divorce proceedings filed by the respondent.

3.The learned counsel for the respondent strongly objected the submissions of the petitioner for the reason that presently the respondent is searching for a job in Noida and he has to take two days leave to travel Coimbatore to attend the case. The petitioner herself stated that she is working as Project Coordinator and she is to travel to various places. In that event, she can very well travel to Chennai to attend the Court proceedings at Ambattur. The other objections seems to be that the petitioner's parents are



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sick, she has to take care of them. The petitioner has two brothers who can take care of their parents during the absence of the petitioner. He further submitted that even the respondent is ready to pay the travel expenses to the petitioner. The Subordinate Court, Ambattur would be convenient for the petitioner to appear through a counsel than to get the case transferred to the Family Court at Coimbatore where the presence of the parties is must.

4.Considering the submissions and on perusal of the materials, whatever may be the reason stated by the learned counsel for the respondent, the petitioner being a woman has to travel alone from Coimbatore to Chennai, then to Ambattur which is around 550 kms. Further she is not with sufficient income. In view of the same, this Court is inclined to transfer the divorce proceedings filed by the respondent to the file of the Family Court at Coimbatore.

5.At this juncture, the learned counsel for the respondent submits since the respondent is searching for a job in Noida, he will appear before the Family Court at Coimbatore through video conference.



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6. In view of the above, this Court withdraws HMOP.No.136 of 2024 from the file of the Subordinate Court, Ambattur and transfers the same to the file of the Family Court at Coimbatore. To appear through video conference, the respondent can approach the Family Court at Coimbatore in this regard.

7. Accordingly, this transfer civil miscellaneous petition is allowed. Consequently, connected civil miscellaneous petition is closed. No costs.

01.08.2024

Speaking Order/Non Speaking Order

Index : Yes/No

Internet : Yes

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To

1. The Subordinate Court,
Ambattur.

2. The Family Court at Coimbatore.



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M.NIRMAL KUMAR, J.

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