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Tr.C.M.P.No.640 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20..09..2024

Coram

THE HONOURABLE MR.JUSTICE V.LAKSHMINARAYANAN

Transfer Civil Miscellaneous Petition No.640 of 2024

and

C.M.P.No.13709 of 2024

E.Nandhini

..... Petitioner

-Versus-

R.Nishanth

..... Respondent

Petition filed under Section 24 of the Code of Civil Procedure, praying to withdraw the case in H.M.O.P.No.76 of 2024 pending on the file of the learned Subordinate Judge, Avinashi, Tiruppur District and transfer the same to the file of the Subordinate Judge, Hosur, Krishnagiri District.

For Petitioner : Mr.P.Narayana Prasadh

*For Respondent : Mr.R.P.Ruban Chakravarthy
for Mr.S.Kaithamalai Kumarai*



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ORDER

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This Transfer Miscellaneous Petition seeks transfer of the case in H.M.O.P.No.76 of 2024 from the file of the learned Subordinate Judge, Avinashi, Tiruppur District to the file of the Subordinate Judge, Hosur, Krishnagiri District.

2. The wife is the transfer petitioner. She married the respondent on 24.05.2023 at Avinashi. Thereafter, they separated. The respondent/husband has initiated a proceeding in H.M.O.P.No.76 of 2024 on the file of the learned Subordinate Judge, Avinashi, Tiruppur District, seeking divorce on the ground of cruelty.

3. The petitioner/wife, who is working in Bangalore pleads that she is unable to travel from Bangalore to Avinashi, a distance of around 300 kms to contest the divorce proceedings. Hence, she has moved this transfer petition.

4. Notice was ordered in this transfer petition on 16.07.2024. Mr.Kaithamalai Kumaran has entered appearance for the respondent/husband.



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5. Heard Mr.P.Narayana Prasadh for the petitioner and Mr.R.P.Ruban Chakravarthy who represents Mr.S.Kathamalai Kumaran for the respondent.

6. Mr.R.P.Ruban Chakravarthy would submit that since the wife is working in Bangalore, she cannot seek for a proceeding to be transferred to Hosur.

7. I pointed out to Mr.R.P.Ruban Chakravarthy that this court can always withdraw a proceeding pending before a court subordinate to it and transfer it to another State in exercise of its power under Section 23 of the Code of Civil Procedure.

8. Realising this position, Mr.R.P.Ruban Chakravarthy pleads that the respondent/husband may be permitted to appear before the court only for essential hearings.

9. Since the matter is being sought to be transferred to the Subordinate Judge, it is not necessary for the respondent/husband to appear for every hearing. Suffice, if he appears at the time of evidence in order to prosecute the petition filed by him and also subject himself for the cross examination.

10. Taking into consideration the convenience of the petitioner/wife, I am



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inclined to accept the transfer petition. Accordingly, the case in H.M.O.P.No.76 of 2024 pending on the file of the learned Subordinate Judge, Avinashi, is withdrawn and the same is transferred to the file of the learned Subordinate Judge, Hosur.

11. It is made clear that the learned Subordinate Judge, Hosur, need not insist upon the respondent to appear for every hearing except essential hearings. For non-essential or procedural hearings, he may be represented through a counsel.

With the above directions, this transfer civil miscellaneous petition is allowed. No costs.

Index : yes / no
Neutral Citation : yes / no
Speaking / Non Speaking Order
kmk

20..09..2024

To

- 1.The Subordinate Judge, Avinashi, Tiruppur District.
- 2.The Subordinate Judge, Hosur, Krishnagiri District.



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V.LAKSHMINARAYANAN.J.,
kmk

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