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Tr.C.M.P. No.666 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 23.08.2024

CORAM

THE HON'BLE MR.JUSTICE V.LAKSHMINARAYANAN

**Tr.C.M.P. No.666 of 2024
and C.M.P.No.14475 of 2024**

S.Balaji

... Petitioner

Vs.

B.Anu

... Respondent

PRAYER: Transfer Petition filed under Section 24 of Civil Procedure Code to withdraw and transfer the H.M.O.P.No.5 of 2021 on the file of the Family Court, Mannargudi to the learned Subordinate Judge, Sub Court, Thiruvavur.

For the Petitioner	:	Mr.S.Gopinath
For the Respondent	:	Ms.Swetha for Mr.M.Dinesh

ORDER

This Transfer Civil Miscellaneous Petition is presented by the husband. There is no dispute in the relationship between the parties. The petitioner married the respondent on 30.08.2006.

2. The husband has initiated H.M.O.P.No.115 of 2020 on the file of the



Sub Court, Thiruvarur, seeking for divorce. Subsequently, the wife has initiated H.M.O.P.No.5 of 2021 seeking restitution of conjugal rights on the file of the Family Court, Mannargudi. Pleading that he is unable to travel regularly from Koradacherry to Mannargudi, the husband has moved the present Transfer petition.

3. Notice was ordered in this application and the respondent - wife had been served. Ms.Swetha, representing Mr.Dinesh appears for the respondent.

4. When the matter was taken up for hearing today, Mr.S.Gopinath, would submit that his client, the transfer petitioner is willing to travel to Mannargudi to contest the litigation. He would state that as he has already filed divorce petition in Sub Court, Thiruvarur, he would plead that the said petition may be transferred to the file of the Family Court, Mannargudi.

5. Ms.Swetha has no objection to the said course of action.

6. Consequently, H.M.O.P.No.115 of 2020 now pending on the file of the Sub Court, Thiruvarur is withdrawn and transferred to the file of the Family Court, Mannargudi, to be heard and disposed of along with



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H.M.O.P.No.5 of 2021.

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7. At this juncture, Mr.S.Gopinath, would state that the petitioner being a Conductor employed by the Tamil Nadu State Road Transport Corporation would find it difficult to appear before the Family Court, Mannargudi, on all hearing dates.

8. The presence of the husband need not be insisted upon by the Family Court, Mannargudi, for every hearing. It is sufficient, if he is present at every essential hearing. On all other non-essential or procedural hearings, he will be represented through a counsel.

9. With the aforesaid directions, this Transfer Civil Miscellaneous Petition is allowed. No costs. Consequently, the connected miscellaneous petition is closed.

23.08.2024

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Index : Yes / No

Internet : Yes / No

Speaking order / Non-speaking order

Neutral citation : Yes / No



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V.LAKSHMINARAYANAN

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To

- 1.The Judge
Family Court, Mannargudi.
- 2.The Subordinate Judge
Sub Court, Thiruvarur.

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