



Tr.C.M.P.No.706 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

WEB COPY

DATED : 10..09..2024

Coram

THE HONOURABLE MR.JUSTICE V.LAKSHMINARAYANAN

Transfer Civil Miscellaneous Petition No.706 of 2024
and
C.M.P.No.15179 of 2024

Logeswari

..... Petitioner

-Versus-

Saravanan

..... Respondent

Petition filed under Section 24 of the Code of Civil Procedure,1908, praying to withdraw the petition in F.C.O.P.No.40 of 2024 from the file of the Family Court, Perambalur, and transfer the same to the file of the learned Judge, Family Court, Tiruppur, to be tried jointly along with H.M.O.P.No.262 of 2024.

For Petitioner : *Mr.L.Mouli*

For Respondent : *Ms.C.Sangamithirai*



Tr.C.M.P.No.706 of 2024

ORDER

WEB COPY

This Transfer Miscellaneous Petition has been filed seeking transfer of the original petition in F.C.O.P.No.40 of 2024 from the file of the learned Judge, Family Court, Perambalur, and transfer the same to the file of the Family Court, Tiruppur, to be tried jointly along with H.M.O.P.No.262 of 2024.

2. The petitioner is the wife. She married the respondent on 09.09.2022 at Chettikulam. The marriage produced a child but, unfortunately, the child had passed away within a couple of days of its birth. Due to disputes and differences, the parties have separated from June 2023 onwards. The respondent/husband has filed a petition for divorce in F.C.O.P.No.40 of 2020 on the file of the Family Court at Perambalur. The petitioner/wife has presented a petition in H.M.O.P.No.262 of 2024 on the file of the Family Court at Tiruppur for restitution of conjugal rights.

3. Pleading that the distance between Tiruppur and Perambalur is considerable, she has moved the present transfer miscellaneous petition.

4. Notice was ordered in the transfer miscellaneous petition on 01.08.2024 and Mrs.C.Sangamithirai has entered appearance for the respondent/husband.

5. Heard Mr.L.Mouli for the petitioner/wife and Mrs.C.Sangamithirai for



Tr.C.M.P.No.706 of 2024

the respondent/husband.

WEB COPY

6. Mr.L.Mouli would submit that the distance between Tiruppur and Perambalur is considerable and the petitioner/wife finds it difficult to travel for every hearing. She would plead that both the proceedings are inextricably mixed and therefore, it should be heard by one court.

7. Mrs.C.Sangamithirai would agree that the distance between Tiruppur and Perambalur is considerable but, she would state that the respondent/husband is an agriculturist and therefore, he will not be in a position to travel the said distance and attend every hearing at Tiruppur.

8. I have carefully considered the submissions made on either side.

9. When it comes to matters of transfer, the consistent view of this court as well as the mandate of the Parliament is the convenience of the wife has to be taken into consideration by the courts. There is no dispute that the wife is residing at Tiruppur and the husband is residing at Perambalur. If the proceedings are conducted separately, there is a possibility of conflict of judgements. Therefore, the interest of justice require that both the proceedings be heard together. Therefore, H.M.O.P.No.40 of 2021 pending on the file of the Family Court at Perambalur, is withdrawn and transferred to the file of the Family Court at Tiruppur to be heard and disposed of along with



Tr.C.M.P.No.706 of 2024

H.M.O.P.No.262 of 2024. Since difficulty for travel by the respondent/husband is pleaded by Mrs.C.Sangamithirai, the Family Court at Tiruppur, need not insist on the appearance of the respondent/husband for every hearing. The respondent/husband shall be represented on all procedural and non-essential hearings through a counsel and for hearing where his presence is indispensable or when the court so directs, the respondent/husband shall appear in person.

With the above directions, this transfer miscellaneous petition is allowed.

No costs. Consequently, connected CMP is closed.

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

10..09..2024

To

- 1.The Judge, Family Court, Perambalur, Perambalur District.
- 2.The Judge, Family Court, Tiruppur, Tiruppur District.



WEB COPY



Tr.C.M.P.No.706 of 2024

V.LAKSHMINARAYANAN.J.,

kmk

Tr.C.M.P.No.706 of 2024

10..09..2024