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Tr.CMP.No.739 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 27.09.2024

CORAM

THE HON'BLE **MR.JUSTICE V.LAKSHMINARAYANAN**

Tr.CMP.No.739 of 2024
and CMP No.16247 of 2024

Suriyasowdeswari

... Petitioner

Vs.

Prasana Elangovan

... Respondent

Prayer: Petition filed under Section 24 of the Code of Civil Procedure, praying to withdraw the petition in HMOP No.283 of 2024 on the file of Family Court, Salem and transfer the same to the file of the Family Court, Erode to try along with M.C.No.34 of 2024.

For Petitioner

:Mr.V.S.Kesavan

For Respondent

: No Appearance

ORDER

This Transfer Civil Miscellaneous Petition is at the instance of the wife. She seeks transfer of HMOP No.283 of 2024 pending on the file of the Family Court, Salem to the file of Family Court, Erode, to be heard and disposed of along with MC No.34 of 2024, presented by her.



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2. The petitioner married the respondent on 23.01.2014. From the wedlock, two children have been born on 22.09.2015 and on 20.01.2021. The children are in the custody of the mother/petitioner herein. The respondent/husband is working in Kuwait. As she was not able to maintain herself and her children, she has initiated MC.No.34 of 2024 on the file of Family Court at Erode. The husband has in turn initiated HMOP No. 283 of 2024 on the file of Family Court at Salem. The wife pleads that she is unable to maintain herself. She finds it difficult to travel to Salem leaving behind the two children.

3. Notice was ordered to the respondent in the transfer petition on 06.08.2024. Though the respondent was served on 21.08.2024, he has not appeared in person or through his counsel to oppose the petition.

4. I heard Mr.V.S.Kesavan, learned counsel for the petitioner.

5. Taking into consideration the fact that the wife finds it difficult to travel from Salem to Erode, to attend the hearing, leaving behind the two children, HMOP No.283 of 2024 is withdrawn from the file of the



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Family Court at Salem and transferred to the file of Family Court at Erode, to be heard and disposed of along with MC No.34 of 2024. It is made clear that the Judge at Family Court, 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 direction, the Transfer Civil Miscellaneous Petition stands allowed. No Costs. Consequently, the connected Civil Miscellaneous Petition is closed.

27.09.2024

Speaking / Non Speaking order

Index : Yes / No

Neutral Citation: Yes/No

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To

1. The VII Additional Family Court,
Chennai.

2. The Family Court,
Tiruppur



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V.LAKSHMINARAYANAN, J.

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