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Tr.CMP.No.750 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.06.2024

CORAM

THE HONOURABLE MR.JUSTICE V.LAKSHMINARAYANAN

Tr.CMP.No.750 of 2023

and

C.M.P.No.18189 of 2023

Divya

.. Petitioner

Vs.

Murugesan

.. Respondent

Prayer : The Transfer Civil Miscellaneous Petition is filed under Section 24 of the Code of Civil Procedure, to withdraw the proceeding in H.M.O.P.No.181 of 2022 on the file of the Sub Court at Omalur and transfer the same to the file of the Family Court at Namakkal.

For Petitioner : Mr.Deepanuday

For Respondent : Served, No Appearance

ORDER

The petitioner and the respondent entered into matrimony on 02.11.2014 at Salem. From the wedlock, two children were born on 06.09.2015 and 27.05.2017. Due to differences in the matrimony, the parties have separated.



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2. The respondent/husband has initiated proceeding in H.M.O.P.No.181 of 2022 before the learned Subordinate Judge at Omalur.

The petitioner/wife pleads that she is unable to travel the distance from Salem to Omalur as she has to take care of two young children.

3. The husband though served with the notice in the transfer petition, neither he has entered appearance through a counsel nor he is present in person to oppose this application.

4. Taking into consideration the convenience of the wife and the fact that the distance that she has to travel with two young children, I am inclined to allow this transfer petition. Hence, the proceeding in H.M.O.P.No.181 of 2022 pending on the file of the Sub Court at Omalur is withdrawn and it shall stand transferred to the file of the Family Court at Namakkal.

5. The learned Family Judge at Namakkal is requested not to insist on the presence of the husband for every hearing, but he shall be directed to be present only for such hearings where his presence is indispensable. On the



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other hearings, he may be represented through a counsel.

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6. Accordingly, the Transfer Civil Miscellaneous Petition stands allowed. No costs. The connected Civil Miscellaneous Petition is closed.

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Index:Yes/No

Speaking Order :Yes/No

Neutral Citation:Yes/No

V. LAKSHMINARAYANAN, J.



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To

1.The Sub Court,
Omalur

2.The Family Court,
Namakkal

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