



Tr Cmp.No.766 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.02.2024

CORAM

THE HONOURABLE MR.JUSTICE V.SIVAGNANAM

Tr CMP.No.766 of 2023

and

CMP.No.18614 of 2023

G. Nandhini

...

Petitioner

/vs/

R. Karthik

...

Respondent

PRAYER : This Transfer Civil Miscellaneous Petition has been filed under Section 24 of Civil Procedure Code to withdraw the HMOP No.55 of 2023 pending on the file of the learned Sub Court, Mettupalayam and transfer the same to the learned Family Court at Vellore for conducting a joint trial along with FCOP.No.213 of 2023 pending on the file of the learned Family Court at Vellore filed by the petitioner .

For Petitioner

...

Mr.D. Venkatesh Rao

For Respondent

...

No appearance



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ORDER

WEB COPY

This Transfer Civil Miscellaneous Petition has been filed to withdraw and transfer the case in H.M.O.P.No.55 of 2023 from the file of Sub Court, Mettupalayam to the file of the Family Court, Vellore and tried jointly with F.C.O.P.No.213 of 2023.

2.The learned counsel appearing for the petitioner submitted that the petitioner is wife and the respondent is husband. They have one male child namely Ratan Aditya, aged about 1 ½ years. Due to misunderstanding between them, they separated. After separation, the petitioner is residing along with her son at Vellore. The distance between Vellore and Mettupalayam is 800 k.m., and the travelling time is 13 hours for up and down. It is much hard to the petitioner to travel along with her 1 ½ years old child. Apart from that, Coimbatore is the native town of the respondent and he is much influential person and there is no life safety to the petitioner if she go to Coimbatore for the case hearing dates. Hence, she prays to transfer the case in H.M.O.P.No.55 of 2023 from the file of the Sub Court, Mettupalayam to the file of the Family Court, Vellore and to be



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tried jointly with F.C.O.P.No.213 of 2023 and prayed to allow the transfer civil miscellaneous petition.

3. Even though notice has been sent to the respondent and his name is also printed in the cause list, today when the matter is taken up for hearing, there is no representation on behalf of the respondent.

4. Considering the facts and circumstances and also considering the submission made by the learned counsel for the petitioner, this Court is inclined to transfer the H.M.O.P.No.55 of 2023 from the file of the Sub Court, Mettupalayam to the file of Family Court, Vellore and the H.M.O.P. is directed to be tried jointly with F.C.O.P.No.213 of 2023.

5. In view of the above, H.M.O.P.No.55 of 2023 is directed to be withdrawn from the file of the Sub-Court, Mettupalayam and transferred the same to the file of the Family Court, Vellore and directed to be tried jointly with FCOP No.213 of 2023. The learned Judge, Sub Court, Mettupalayam, is hereby directed to send entire records to the Family



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Court, Vellore, within a period of two weeks from the date of receipt of a copy of this order and the learned Judge, Family Court, Vellore is directed to issue notice to the respondent and dispose of the cases as early as possible. The respondent is directed to appear before the trial Court as directed by it whenever his presence is necessary.

6. In the result, this Transfer Civil Miscellaneous Petition is allowed.

No costs. Consequently, the connected miscellaneous petition is closed.

Index : Yes/No
Internet : Yes/No
mrp

12.02.2024

To
1.The Sub Court,
Mettupalayam.

2.The Family Court,
Vellore.



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V.SIVAGNANAM,J.

mrp

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