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Tr.C.M.P.No.759 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.06.2024

CORAM:

THE HONOURABLE MR.JUSTICE V.LAKSHMINARAYANAN

Tr.C.M.P.No.759 of 2023

and

C.M.P.Nos.18412 of 2023 & 4916 of 2024

M.Gayathri

.. Petitioner

Vs.

D.Karthik

.. Respondent

Prayer: Transfer Civil Miscellaneous Petition filed under Section 24 of the Code of Civil Procedure, 1908, to withdraw H.M.O.P.No.60 of 2020 on the file of Additional Sub Court at Kumbakonam and transfer the same to the Family Court, Chennai.

For Petitioner	: Mr.M.Saravanakumar
For Respondent	: No appearance

ORDER

The petitioner before me is the wife. She seeks to withdraw H.M.O.P.No.60 of 2020 pending on the file of the Sub Court at Kumbakonam and transfer the same to the Family Court at Chennai.



Tr.C.M.P.No.759 of 2023

2. Notice was ordered in this Transfer Petition on 18.08.2023. The learned counsel for the petitioner states that he took notice, but it was not served on the respondent. Therefore, publication was ordered on 05.02.2024. The publication that was taken was defective and hence, I ordered fresh publication for the hearing dated 24.06.2024. The publication has been effected and yet there is no appearance on behalf of the respondent.

3. The petitioner and the respondent solemnized their marriage on 11.02.2019. They set up their matrimonial home at Chennai. Thereafter, disputes and differences have arisen between the parties. The husband, who is a resident of Kumbakonam has initiated divorce proceedings in H.M.O.P.No.60 of 2020 on the file of the Additional Sub Court at Kumbakonam. The petitioner being the permanent resident of Ayappakkam, Chennai, states that she is unable to travel such a long distance to contest the divorce proceedings. The distance between Chennai and Kumbakonam is around 660 kms to and fro.



Tr.C.M.P.No.759 of 2023

4. Therefore, taking into consideration the convenience of the wife,

H.M.O.P.No.60 of 2020 on the file of the Additional Sub Court, Kumbakonam, is withdrawn and transferred to the file of the Family Court at Chennai. It is made clear that the Family Court at Chennai 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.

5. With the above direction, this Transfer Civil Miscellaneous Petition is allowed. Consequently, the connected Miscellaneous Petitions are closed. No costs.

28.06.2024

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Index : Yes / No
Internet : Yes / No
Neutral Citation : Yes / No

V.LAKSHMINARAYANAN, J.



Tr.C.M.P.No.759 of 2023

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To

- 1.The Additional Sub Court,
Kumbakonam.
- 2.The Family Court,
Chennai.

Tr.C.M.P.No.759 of 2023

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