



WEB COPY



Tr.C.M.P. No. 771 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.10.2024

CORAM

THE HONOURABLE MR. JUSTICE V.LAKSHMINARAYANAN

Tr.C.M.P. No. 771 of 2023

and

C.M.P. No. 18861 of 2023

G.Krupasundari

... Petitioner / Respondent

Vs.

R.Silambarasan

... Respondent / Petitioner

PRAYER: Transfer Miscellaneous Petition is filed under Section 24 of the Code of Civil Procedure, 1908, to transfer the H.M.O.P. No. 498 of 2023 on the file of the Family Court, Coimbatore to the file of the Family Court, Mannargudi.

For Petitioner : Mr. J.Tamilselvi

For Respondent : No appearance

ORDER

The petitioner is the wife. She married the respondent on 10.09.2024 at Mannaragudi. Subsequently, they set up their matrimonial home at



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Sivagangai. Due to disputes and differences, the parties have separated.

2. The wife is now residing in Thiruvarur district. The husband has initiated proceedings in H.M.O.P. No. 498 of 2023 seeking for restitution of conjugal rights. The petitioner pleads that she is unable to travel from Mannaragudi to Coimbatore for the purpose of attending the case. Hence, she has moved this transfer petition.

3. Notice was ordered in this transfer petition on 08.12.2023. Despite notices being taken on several occasions, the respondent husband has not entered appearance. Hence, summons by publication was ordered. Publication was effected in one issue of Makkal Kural for the hearing date 13.09.2024. Even today, there is no appearance on behalf of the husband. The aforesaid facts are going to show that the petitioner pleads financial and physical difficulties in travelling from Mannaragudi to Coimbatore.

4. Taking into consideration the convenience of the wife, H.M.O.P. No. 498 of 2023 pending on the file of the Family Court at Coimbatore is withdrawn and transferred to the file of the Family Court at Mannargudi.

5. On transfer, the Family Court at Mannargudi is requested to issue



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summons to the husband for the hearing date. On service of such summons, the Family Court at Mannargudi will not insist on the appearance of the husband for every hearing. He shall, however, appear when his appearance is essential or when so directed by the Family Court. On the other hearings, he may be represented through a counsel.

6. In the result, the transfer civil miscellaneous petition is allowed. No costs. Consequently, the connected miscellaneous petition is closed.

04.10.2024

Index : Yes / No
Speaking order : Yes / No
NCC : Yes / No

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To

1. The Family Court, Coimbatore.
2. The Family Court, Mannargudi.



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V.LAKSHMINARAYANAN, J.,

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