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Tr.C.M.P.No.826 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20..09..2024

Coram

THE HONOURABLE MR.JUSTICE V.LAKSHMINARAYANAN

Transfer Civil Miscellaneous Petition No.826 of 2024

and

C.M.P.Nos.18349 & 18352 of 2024

O.Janakiram

..... Petitioner

-Versus-

Mrs.G.Shanthi

..... Respondent

Petition filed under Section 24 of the Code of Civil Procedure,1908, praying to withdraw the case in H.M.O.P.No.1050 of 2024 from the file of the Additional Principal Family Court, Coimbatore and transfer the same to the file of the Family Court at Chennai.

For Petitioner : Mr.K.J.Parthasarathy

*For Respondent : Ms.P.Gowri for
Mr.A.Kumana Raja*

ORDER

The present transfer petition is at the instance of the husband. He seeks for transfer of the case in H.M.O.P.No.1050 of 2024 on the file of the Additional Principal Family Court at Coimbatore to the file of the Family Court



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2. The petitioner and the respondent married each other as early as 04.04.1993. From the wedlock, two children were born on 04.06.1994 and 11.01.2001 respectively. In fact, one of the sons by name O.J.Siddarth is married, a couple of years ago. Yet, the parties litigating before the court seeking for divorce.

3. The petitioner is working as an Assistant Commissioner of Labour in the Department of Labour and presently posted at the Office of the Labour Commisisoner, D.M.S. Compound, Chennai. The wife is said to be a Superintendent in the Department of Collegiate Education.

4. Pleading that the husband has not been heard of for over a period of 7 years, the wife has initiated a proceeding in H.M.O.P.No.1050 of 204.

5. The husband pleading that he is a chronic kidney patient undergoing treatment at Department of Nephrology in Kauvery Hospital, Chennai, has moved the present transfer petition.

6. A perusal of the certificate issued on 01.08.2024 by the Kauvery Hospital shows that the petitioner is undergoing hemodialysis weekly thrice and is suffering from multiple co-morbid conditions. The consultant Nephrologist at the aforesaid Hospital has certified that the respondent is not fit for travel.

7. From the certificate issued by the consultant Nephrologist at Kauvery



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Hospital, it is clear that making the petitioner travel from Chennai to Coimbatore in itself would be an act of cruelty. Though I have to give preference to the convenience of the wife, considering the special circumstances in the case that the petitioner is suffering from chronic artery disease as well as chronic kidney disease, I am inclined to accept the transfer petition.

8. Taking into consideration the fact that the petitioner being in Government service would find it difficult to take leave of absence to appear before the Family Court at Chennai for every hearing, I am inclined to transfer the case in H.M.O.P.No.15050 of 2024 to the file of the Subordinate Judge, Tambaram.

In the result, the case in H.M.O.P.No.1050 of 2024 on the file of the learned Additional Principal Judge, Family court at Coimbatore, is withdrawn and transferred to the file of the learned Subordinate Judge at Tambaram.

The learned Subordinate Judge, Tambaram, need not insist upon the respondent to appear for every hearing except the essential hearing for the progress of the trial. For non-essential or procedural hearings, he may be represented through a counsel.

With the above directions, this transfer civil miscellaneous petition is allowed. No costs. Consequently, the connected miscellaneous petitions are closed.



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Index : yes / no

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Neutral Citation : yes / no

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To

1.The Additional Principal Judge, Family Court, Coimbatore.

2.The Subordinate Judge, Tambaram, Chengalpattu District.



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V.LAKSHMINARAYANAN.J.,
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