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Tr.CMP.No.891 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.06.2024

Coram

THE HON'BLE MR JUSTICE V. LAKSHMINARAYANAN

Tr.CMP No.891 of 2023

and

CMP.No.21355 of 2023

Suryakala

... Petitioner

-Versus-

Prakash

... Respondent

Transfer Civil Miscellaneous Petition filed under Section 24 of C.P.C. seeking to withdraw HMOP.No.214 of 2023 pending before the Subordinate Judge, Pappireddipatti, Dharmapuri and transfer the same to the Family court, Erode.

For Petitioner : Mr.J.Ranjith Kumar

For Respondent : Ms.B.Aswini

ORDER

The petitioner is the wife. The marriage between the petitioner and the respondent was solemnized on 06.02.2022 at Kadathur in Dharmapuri District.



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Due to differences between them, the petitioner has returned to Erode. She has initiated MC.No.49 of 2023 on the file of the Family Court, Erode. In the meantime, the husband has filed an application in HMOP.No.214 of 2023 on the file of the learned Subordinate Judge at Pappireddipatti. Pleading inability to travel from Erode to Pappireddipatti, the petitioner has moved this transfer petition.

2. Notice was ordered in the application. The husband has been served and a counsel has appeared for the respondent.

3. Learned counsel appearing for the respondent would submit that the matter is pending only before the Subordinate Court and that, there is no necessity for the petitioner to travel to Pappireddipatti for every hearing.

4. Taking into consideration the fact that the wife is aged about 24 years and would find it difficult to travel alone from Erode to Pappireddipatti, I am inclined to consider the transfer petition.

5. Apart from that, she has also initiated proceedings in MC.No.49 of 2023 which is now pending before the Family Court at Erode. In order to give



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quietus to the matter, it is ordered that both proceedings are to be heard by the same Judge. Accordingly, HMOP.No.214 of 2023 is withdrawn from the file of the Subordinate Court at Pappireddipatti and is transferred to the file of the Family Court at Erode to be heard and tried along with MC.No.49 of 2023 pending on the file of the Family Court, Erode. It is made clear that the Family Court at Erode need not insist upon the respondent to appear for every hearing except the essential hearing. For non-essential or procedural hearings, he may be represented through a counsel.

6. With the above direction, this transfer civil miscellaneous petition is allowed. No costs. Consequently, the connected miscellaneous petition is closed.

11.06.2024

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Index : Yes/No
Speaking Order/Non-speaking order
Neutral Citation : Yes/No

To

1.The Subordinate Judge, Pappireddipatti, Dharmapuri



2.The Family court, Erode

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V.LAKSHMINARAYANAN, J.
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