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Tr.CMP No.883 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.04.2024

CORAM :

THE HONOURABLE MR.JUSTICE V. LAKSHMINARAYANAN

TR.CMP No.883 of 2023
and C.M.P.No.21192 of 2023

A.P.Vijayakumar

.... Petitioner

-Vs-

N.Priya

.... Respondent

Prayer : Transfer Civil Miscellaneous Petition under Section 24 of C.P.C., to withdraw HMOP No.27 of 2022 from the file of Subordinate Court at Paramathi, Namakkal, District and transfer the same to the Family Court, Erode.

For Petitioner : Mr.N.Sakthivel

ORDER

The husband has filed this transfer petition seeking transfer of the H.M.O.P.No.27 of 2022 on the file of the learned Subordinate Judge at Paramathi, Namakkal District to the file of the Family Judge at Erode. The petitioner is an architect. He married the respondent on 24.05.2010. Two male children were born from the wedlock. One child is aged 12 years and the other is aged 9 years. The marriage however hit the rocks constraining the husband to file for divorce in H.M.O.P.No.27 of 2022 on the file of the Subcourt at Paramathi. Earlier he had filed a transfer petition in Tr.C.M.P.No.410 of 2023. The



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V. LAKSHMINARAYANAN, J.
KST

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said petition was dismissed. Today he pleads that because of his aged parents and young son and also due to the fact that he has moved to Coimbatore, the case should be transferred to the file of the Family Court at Erode.

2. While going through the papers, I found that the petitioner is a resident of Arthanaripalayam in Namakkal District and the wife is a resident of Olappalayam of the same district. To direct the wife to appear before the Family Court at Erode which is an adjacent district, in my view, might not be proper since she is taking care of a young child. In the aforesaid circumstances, I do not find any merit in the transfer petition. The Transfer C.M.P., stands dismissed. No costs. Consequently, connected miscellaneous petition is also dismissed.

08.04.2024

Index : Yes/No

Neutral Citation : Yes/No

KST

To

The Subordinate Judge, Paramathi
Namakkal District.

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