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Tr.CMP.No.903 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.04.2024

CORAM

THE HONOURABLE MR.JUSTICE V.LAKSHMINARAYANAN

Tr.CMP.No.903 of 2023

and

C.M.P.No.21559 of 2023

M.Vinothini

.. Petitioner

Vs.

J.M.Yuvaraj

.. Respondent

Prayer : The Transfer Civil Miscellaneous Petition is filed under Section 24 of the Code of Civil Procedure, to withdraw H.M.O.P.No.2088 of 2022 pending on the file of the Additional Principal Family Court at Coimbatore and transfer the same to the file of the Sub Court at Gobichettipalayam, Erode District.

For Petitioner : Mr.K.Soundara Rajan

For Respondent : Mr.T.M.Kannan

ORDER

The petitioner and the respondent got married on 09.12.2021 at Gobichettipalayam in Erode District.

2. The wife alleges that her husband is mentally challenged and does



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not have behavior commensurate with his age. Hence, she separated from her husband and is residing at Gobichettipalayam. Having made the allegation that the husband is mentally challenged, the wife proceeded to file an application in D.V.C.No.12 of 2022 on the file of the Judicial Magistrate - I, Gobichettipalayam.

3. The husband has initiated H.M.O.P.No.2088 of 2022 on the file of the Additional Family Court at Coimbatore. The wife pleads her inability to travel two hours from Gobichettipalayam to Coimbatore.

4. The learned counsel for the respondent would state that having made an allegation that her husband is mentally challenged, the wife, today, seeks for transfer of proceedings to Gobichettipalayam. I find considerable source in this submission.

5. However, taking into consideration the convenience of the wife, I am inclined to allow this transfer petition. Hence, the proceedings in D.V.C.No.12 of 2022 is withdrawn from the file of the Judicial Magistrate – I at Gobichettipalayam and it shall stand transferred to the file



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of the Family Court at Erode.

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6. The Family Court need not insist on the presence of the parties for every hearing. The parties may appear through a counsel for all procedural and non-essential hearings. However, they shall be present for the hearings where their presence is indispensable.

7. Accordingly, the Transfer Civil Miscellaneous Petition stands allowed. No costs. Consequently, the connected Civil Miscellaneous Petition is closed.

15.04.2024

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Index:Yes/No

Speaking Order :Yes/No

Neutral Citation:Yes/No

V. LAKSHMINARAYANAN, J.



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To

1.The Additional Principal Family Court,
Coimbatore

2.The Family Court,
Erode

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