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TR. C.M.P. NO.971 OF 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.12.2024

CORAM:

THE HON'BLE MR. JUSTICE V. LAKSHMINARAYANAN

Tr.C.M.P. No.971 of 2024 and C.M.P. No.21251 of 2024

Nandhini

Petitioner

v

Ram Prasath

Respondent

Civil Revision Petition filed under Section 24 of the Code of Civil Procedure seeking to withdraw and transfer the case in H.M.O.P.No.164 of 2024 from the file of the Family Court, Perambalur, to the file of the Sub-Court, Alandur.

For petitioner Ms. S. Kanmozhi Sundar

For respondent Ms. M. Revathi
for Mr. T. Seenivasan

ORDER

This Transfer C.M.P. is at the instance of the wife. The petitioner and the respondent solemnized their wedding on 04.02.2018 at J.K. Mahal in Perambalur. The wedlock brought forth a child on 23.11.2018. The child is in the custody of the mother.



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2. The respondent has initiated H.M.O.P. No.164 of 2024, on the file of the Family Court at Perambalur, seeking restitution of conjugal rights. Pleading that she is unable to travel from Pallavaram to Perambalur, leaving her 6 year old child in Chennai, the wife has moved this transfer application. Apart from that, she pleads that she has undergone a surgery on 12.08.2024, and she has been advised bed rest. In addition, the petitioner is working in a multinational company in Chennai and therefore, it will be difficult for her to take leave of absence to appear before the Court. In case, the petitioner does not appear before the Court, there is a possibility that the Court will grant *ex parte* decree. If she were to avail leave regularly to attend Court proceedings, there is a possibility that she may lose her employment. Either choice is not a very welcome one. Hence, she seeks for transfer of proceedings from the Family Court, Perambalur, to the Sub Court, Alandur.

3. I ordered notice in this proceedings on 25.09.2024 and the respondent has entered appearance through Mr. T. Seenivasan.

4. In the forenoon, there was no representation for the respondent



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and therefore, I passed over the matter for the presence of the counsel for the respondent. Ms. Revathi, appears now opposing the transfer.

5. I have heard Ms. S. Kanimozhi Sundar and Ms. Revathi for the respective parties.

6. The aforesaid facts would go to show that the wife is a permanent resident of Chennai and is residing at Chennai. For the fact that the marriage took place in Perambalur, the respondent has initiated proceedings at Perambalur.

7. While dealing with a transfer application, this Court has to take into consideration the convenience of the wife and the child. The child being a girl child, it would not be possible for the petitioner to leave the child unattended and travel to Perambalur to attend Court hearings. Being Family Court proceedings, the Court normally insists upon the appearance of parties. On the contrary, if the proceedings were to be transferred to the Sub-Court at Alandur, as prayed for by the petitioner, both the parties can



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appear before the Court engaging the services of a counsel.

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8. In the light of the aforesaid discussion, this Transfer C.M.P. succeeds. H.M.O.P.No.164 of 2024 on the file of the Family Court, Perambalur is withdrawn and transferred to the file of the Sub-Court, Alandur. No costs. Connected C.M.P. stands closed.

20.12.2024

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To:

1. The Family Judge
Perambalur
2. The Sub-Judge
Alandur



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V. LAKSHMINARAYANAN, J.

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