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Tr.C.M.P.No.1038 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15..10..2024

Coram

THE HONOURABLE MR.JUSTICE V.LAKSHMINARAYANAN

Transfer Civil Miscellaneous Petition No.1038 of 2024

and

C.M.P.No.22634 of 2024

J.Hariharan

..... Petitioner

-Versus-

Mrs.Priyanka

..... Respondent

Petition filed under Section 24 of the Code of Civil Procedure, 1908, praying to withdraw and transfer the case in O.P.No.147 of 2019 on the file of the Family Court, Salem to any appropriate court in Chennai.

For Petitioner : Mr.C.T.Murugappan

ORDER

This Transfer Civil Miscellaneous Petition is filed seeking to withdraw the case in O.P.No.147 of 2019 pending on the file of the Family Court at Salem and to transfer the same to any of the appropriate courts at Chennai.

2. This petition is at the instance of the husband. He married the respondent on 11.07.2016. The marriage between the petitioner and the



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respondent took place at Sri Balasubramaniya Swamy Koil at Seelanaickenpatty in Salem District. The respondent/wife is a resident of Pachanampatti village in Salem District. Due to disputes and differences, they have separated.

3. The petitioner/husband, pleading that the wife treated him with cruelty, initiated a proceeding in H.M.O.P.No.147 of 2019 on the file of the learned Judge, Family Court at Salem. The respondent/wife has been served, and she has also filed a counter along with a counter claim seeking a decree for restitution of conjugal rights. The matter is pending trial.

4. The petitioner/husband pleads that on 27.05.2024, he suffered a heart attack and had to undergo a medical procedure for the same. He also pleads that his father, who is a senior citizen aged about 84 years, has developed haemorrhage and requires the petitioner's assistance for his day-to-day existence. Hence, he seeks the transfer of the proceedings initiated by him from Salem to Chennai.

5. The ground on which the transfer is sought is that the petitioner/husband finds it difficult to travel to Salem for the purpose of attending the hearings of the case.

6. Heard Mr. C.T. Murugappan for the civil revision petitioner.



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7. At the time of consideration of a transfer petition, a court would have to take into view the inconvenience that would be caused to the wife in case the proceedings are transferred. The wife is a resident of Pachanampatti in Salem District, and she will certainly find it difficult to travel from Salem to Chennai. The difficulties expressed by the transfer petitioner/husband can be obviated by dispensing with his personal appearance before the Judge, Family Court at Salem, till his presence is essential or when the Family Court so directs for his appearance.

8. In the light of the above discussion, while dismissing the transfer civil miscellaneous petition, the appearance of the transfer petitioner is dispensed with before the learned Judge, Family Court, Salem. He shall however present himself whenever his appearance is essential or if so directed, for reasons to be recorded by the learned Judge, Family Court, Salem. For all other non-essential hearings, the petitioner/husband shall be represented by a counsel.

With the above observations, this Transfer Civil Miscellaneous Petition is dismissed. No costs. Consequently, connected CMP is closed.

Index : yes / no
Neutral Citation : yes / no
Speaking / Non Speaking Order
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1.The Judge, Family Court, Salem, Salem District.



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V.LAKSHMINARAYANAN.J.,

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