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Tr.C.M.P.No.1013 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.04.2024

Coram

THE HON'BLE MR JUSTICE V. LAKSHMINARAYANAN

Tr.C.M.P.No.1013 of 2023 &
C.M.P.No24411 of 2023

N.Shobarani

... Petitioner

-Versus-

H.Silvester

... Respondent

Transfer Civil Miscellaneous Petition filed under Section 24 of the Code of Civil Procedure to withdraw the IDOP.No.258 of 2023 pending trial on the file of the learned Family Court Judge at Nagarcoil, and transfer the same to any other competent court in Chennai District more particularly learned Family Court at Chennai District.

For Petitioner : *Mr.C.D.Johnson*

For Respondent : *Mr.S.Prem Raj Kumar*

ORDER

The petitioner is the wife. She is a permanent resident of Medavakkam. From the wedding, two children were born to the couple. The husband has initiated IDOP.No.258 of 2023 on the file of the Family Court at Nagercoil.

2. The petitioner pleads that she is unable to travel from Chennai to



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Nagercoil for the purpose of attending the case.

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3. The learned counsel for the respondent has no objection to the transfer of the said proceedings.

4. Considering the fact that there are two children from the marriage, and also the fact that one of the children is not keeping good health, and finding the distance from Chennai to Nagercoil being enormous, I am inclined to allow this petition.

5. Accordingly, IDOP.No.258 of 2023 is withdrawn from the file of the Family Court at Nagercoil and is transferred to the file of the Family Court at Chennai. The presence of the husband need not be insisted upon by the court for every hearing. It is sufficient if he is present at every essential hearing. On all other non-essential or procedural hearings, he will be represented through a counsel.

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

24.04.2024

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Index : yes / no

Neutral Citation : yes / no



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Speaking / Non Speaking Order

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To

- 1.The Family Court Judge at Nagercoil
- 2.The Family Court, Chennai



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V.LAKSHMINARAYANAN, J.

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