



Tr.C.M.P.No.1043 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.04.2024

CORAM

THE HON'BLE MR.JUSTICE V. LAKSHMINARAYANAN

Tr.C.M.P.No.1043 of 2023

&

C.M.P.No.25259 of 2023

Dr.V.Kalaiyarasi

... Petitioner

Vs

Dr.D.Senthilkumar

... Respondent

Prayer : Petition filed under Section 24 of the Code of Civil Procedure praying to withdraw H.M.O.P.No.541 of 2023 pending on the file of learned Sub-ordinate Judge, Ambattur and transfer the same to the file of Family Court at Chengalpattu District.

For Petitioner : Mr.C.D.Johnson

For Respondent : Mr.C.Johnson

ORDER

This is a transfer petition seeking transfer of H.M.O.P.No.541 of 2023 pending on the file of learned Sub-ordinate Judge, Ambattur to the file of Family Court at Chengalpattu.



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2. The petitioner and respondents are medical doctors. The petitioner is working at Kumarapakkam Primary Health Centre at Chengalpattu. The husband had initiated H.M.O.P.No.633 of 2021 on the file of the Sub-Court, Poonamallee. After the creation of the Subordinate Court at Ambattur, the case has been transferred to the Ambattur Court and has now been re-numbered as H.M.O.P.No.541 of 2023 and is pending for trial before the Sub-Court at Ambattur.

3. The petitioner states that as she is working at Chengalpattu, she is unable to appear for every hearing before Sub-Court, Ambattur and therefore, she seeks transfer of the proceedings to Family Court, Chengalpattu.

4. Mr.C.Johnson for respondent would point that the matter is pending before the Subordinate Court and therefore, appearance of the wife is unnecessary for every hearing. He would further state that the case is at the stage of commencement of evidence and if it is transferred at this stage, it would cause serious prejudice to both parties.

5. Taking into consideration the submissions made on either side, I am not inclined to transfer H.M.O.P.No.541 of 2023 to the file of Family Court, Chengalpattu as it would only delay the final conclusion of the



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proceedings. Suffice it to direct the learned Subordinate Judge, Ambattur to take up the matter on priority basis and dispose of the same within a period of six months from the date of receipt of a copy of this order or on the production of the webcopy by either side. The Submission of Mr.C.D.Johnson that the wife is having difficulty to appear before the Court at Ambattur is a misplaced one because parties can appear by engaging a counsel before the Subordinate Court. The Court need not insist upon the appearance of the wife for every hearing and she shall appear only if the presence is necessary.

6. With the above direction, this Tr.C.M.P stands dismissed. No costs. Consequently, the connected miscellaneous petition is closed.

22.04.2024

Index : Yes/No
Neutral Citation : Yes/No
gpa

To

The Sub-ordinate Judge
Ambattur



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V. LAKSHMINARAYANAN, J.

gpa

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