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Tr.C.M.P.No.1073 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.04.2024

CORAM :

THE HONOURABLE MR.JUSTICE V.LAKSHMINARAYANAN

Tr.C.M.P.No.1073 of 2023

and

C.M.P.No.25663 of 2023

Sivaranjani.T

... Petitioner

Vs.

Rajeshwaran Krishnamoorthy

... Respondent

Prayer: Transfer Civil Miscellaneous Petition is filed under Section 24 of Civil Procedure Code, 1908, praying to withdraw H.M.O.P.No.1425 of 2023 pending on the file of the Family Court, Coimbatore and transfer the same to the file of the Sub Court, Gudalur.

For Petitioner : Mr.J.Franklin

For Respondent : Ms.A.D.Jothipriya
for Mr.N.Ganeshmurthy

ORDER

The petitioner and the respondent were married on 28.06.2017 at Gudalur, The Nilgiris. From the wedlock, two children (one boy and one



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girl) were born on 08.05.2019 and 24.06.2023 respectively to the parties.

Due to matrimonial differences, the parties had fallen apart. The petitioner and the children are residing at Bitherkad, The Nilgiris. The respondent, who is a resident of Coimbatore, has initiated the matrimonial proceedings in H.M.O.P.No.1425 of 2023 before the Family Court, Coimbatore.

2. The respondent/husband was served with notice on 17.11.2023, but he has not chosen to oppose this petition.

3. The petitioner claims that she is unable to travel from Bitherkard, The Nilgiris, where she is permanently residing, to Coimbatore, which are about 200 Kms apart, and hence, seeks transfer of proceedings in H.M.O.P.No.1425 of 2023 from the file of the Family Court, Coimbatore to the file of the Sub Court, Gudalur.

4. Taking into consideration the difficulties expressed by the petitioner that the place where she is residing is a hilly area and the fact that she has children of tender age to attend to, I am inclined to allow this



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transfer petition. Hence, the proceeding in H.M.O.P.No.1425 of 2023 which is now pending on the file of the Family Court, Coimbatore is withdrawn and it shall stand transferred to the file of the Sub Court, Gudalur, which is closer to the house of the petitioner. It is made clear that the respondent need not appear for every hearing. But he shall appear for the essential hearings. On all other hearings, he may be represented through a counsel.

5. Accordingly, this Transfer Civil Miscellaneous Petition stands allowed. No costs. Consequently, connected Civil Miscellaneous Petition is closed.

16.04.2024

Index : Yes/No
Internet : Yes/No
Speaking Order/Non-Speaking Order
Neutral Citation : Yes/No

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V. LAKSHMINARAYANAN, J.

arb

To

- 1.The Family Court,
Coimbatore.
- 2.The Sub Court,
Gudalur.

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