



Tr. C.M.P.No.1168 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.11.2024

CORAM :

THE HON'BLE MR.JUSTICE V.LAKSHMINARAYANAN

Tr. C.M.P.No.1168 of 2024 &
CMP.No.25587 of 2024

S.Shanmuga Sundaram

.. Petitioner

Versus

Priyanka

.. Respondent

Prayer: Petition filed under Section 24 of the Code of Civil Procedure to withdraw FCOP.No.282 of 2024 on the file of the Family Court at Vellore, transfer the same to the learned Subordinate Judge at Ambattur.

For Petitioner : Mr.T.Padmanabhan

ORDER

This transfer petition is at the instance of the husband. He seeks for withdrawal of FCOP.No.282 of 2024 on the file of the Family Court at Vellore and transfer the same to the file of the Subordinate Court at Ambattur.



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2. I have heard Mr.T.Padmanabhan for the transfer petitioner.

3. Mr.T.Padmanabhan points out that between very same parties, a proceeding had been initiated in HMOP.No.638 of 2022, which was subsequently renumbered as HMOP.No.443 of 2023 on the file of the Subordinate Court at Ambattur. It seems that the husband was successful in obtaining a decree for restitution of conjugal rights on 18.03.2024. He states that subsequently the wife has initiated a proceeding in FCOP.No.282 of 2024 on the file of the Family Court at Vellore seeking for divorce invoking Section 13(1)(1-a) and Section 13(1)(1-b) of the Hindu Marriage Act. Mr.T.Padmanabhan argues that since the husband has already secured a decree for restitution of conjugal rights, there is no necessity for the proceeding to be pending before the Family Court at Vellore and that it should be transferred to the file of the Subordinate Court at Ambattur.

4. I have carefully considered the submission of Mr.T.Padmanabhan.

5. A perusal of the affidavit shows that the wife is a permanent resident of Gandhi Nagar East, Katpadi, Vellore. If the proceedings were to be withdrawn from Vellore and transferred to Ambattur, then it would cause extreme inconvenience to the wife. Katpadi and Ambattur are separated by a considerable distance and it would take not less than three hours of travel by



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road to reach Chennai alone and thereafter, the respondent would have to travel further to reach the Court at Ambattur.

6. Since Mr.T.Padmanabhan states that the husband would be put to inconvenience, if he were to appear for every date of hearing at Vellore, the same can be alleviated by giving appropriate directions to the Family Court at Vellore.

7. Taking into consideration the convenience of the wife, I am not inclined to transfer the proceeding. However, the Family Court at Vellore shall not insist upon the appearance of the husband for every hearing. He shall appear as and when directed by the Family Court by a specific order to that effect or when his presence is indispensable. For all other hearings, he will be represented by a counsel.

8. With the above observation on appearance of the parties, this transfer petition is dismissed. No costs. Consequently, the connected miscellaneous petition is closed.

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Index : yes/no
Speaking order/Non-speaking order



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Neutral Citation : yes/no
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V.LAKSHMINARAYANAN, J.

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To

- 1.The Family Court at Vellore
- 2.The Subordinate Judge at Ambattur.

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