



Tr.C.M.P.No.73 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED : 20.09.2024

Coram

THE HONOURABLE MR.JUSTICE V.LAKSHMINARAYANAN

Tr. C.M.P. No.73 of 2024

and

C.M.P.No.1793 of 2024

K.Pavithra

..... Petitioner

-Versus-

R.Mohan Narayanaswamy

..... Respondent

Petition filed under Section 24 of Code of Civil Procedure, praying to withdraw the case in H.M.O.P.No.99 of 2023 pending on the file of the Subordinate Judge, Melur, Madurai District and transfer the same to the file of the Family Court at Chennai.

For Petitioner : Mr.K.Jai Sankar

For Respondent : Mr.G.P.Kothandaraman



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ORDER

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The petitioner is the wife. She filed the present transfer petition seeking transfer of the case in H.M.O.P.No.99 of 2023 from the file of the learned Subordinate Judge, Melur in Madurai District, to the file of the Family Court at Chennai.

2. The petitioner married the respondent on 30.10.2020 at Azhagar Koil in Madurai. From the wedlock, a male child was born on 03.08.2021. The petitioner would plead that she is working in NATWEST Group at Ambattur in Chennai. She would further plead that her 3 year-old son is suffering from challenges in speech and therefore, he is undergoing Speech Therapy in Chennai. In the meantime, the respondent/husband has initiated a proceeding for divorce in H.M.O.P.No.99 of 2023 on the file of the learned Subordinate Judge, Melur in Madurai District. Hence, this petition.

3. Notice was ordered in this transfer petition on 01.02.2024 and Mr.G.P.Kothandaraman has entered appearance for the respondent/husband.

4. Mr.K.Jai Sankar would produce a record to show that the child - Vian is undergoing speech therapy at the Institute of Speech Therapy attached to



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Rela Hospital in Chennai and the petitioner/wife will find it difficult to travel to Melur in Madurai District for the purpose of contesting the proceedings in H.M.O.P.No.99 of 2023.

5. Mr.G.P.Kothandaraman would submit that the petitioner/wife is currently employed in Madurai and not in Chennai and therefore, attending the court in Madurai would be easier for her.

6. Even if the contention of Mr.G.P.Kothandaraman were to be true, the fact that the child is taking speech therapy in Chennai and being aged hardly about 2 years, it will be difficult for the wife to travel to Madurai for the purpose of hearing and travel to Chennai for the purpose of giving treatment to the child.

7. Taking into consideration the convenience of the wife, this transfer petition is accepted. Accordingly, the case in H.M.O.P.No.99 of 2023 pending on the file of the learned Subordinate Judge, Melur, Madurai District, is withdrawn and transferred to the file of the Family Court at Chennai.

8. It is made clear that the Family Court at Chennai need not insist upon the respondent to appear for every hearing of the case except the essential



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hearing. For non-essential or procedural hearings, he may be represented through a counsel.

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

Index : yes / no
Neutral Citation : yes / no
Speaking / Non Speaking Order
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To

- 1.Subordinate Judge, Melur, Madurai District.*
- 2.The Principal Judge, Family Court, Chennai.*



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V.LAKSHMINARAYANAN.J.,
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