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Tr.C.M.P.No.1155 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.06.2024

CORAM:

THE HONOURABLE MR.JUSTICE V.LAKSHMINARAYANAN

Tr.C.M.P.No.1155 of 2023

and

C.M.P.No.27781 of 2023

P.Sugapriya

.. Petitioner

Vs.

E.Arunkumar

.. Respondent

Prayer: Transfer Civil Miscellaneous Petition filed under Section 24 of the Code of Civil Procedure, 1908, to withdraw the petition in F.C.O.P.No.223 of 2023 on the file of the Family Court, Namakkal and transfer the same to the file of the Family Court, Karur.

For Petitioner	: Mr.V.S.Kesavan
For Respondent	: No appearance

ORDER

The petitioner / wife filed this petition seeking to withdraw F.C.O.P.No.223 of 2023 pending on the file of the Family Court, Namakkal and transfer the same to the file of the Family Court, Karur.

2.The petitioner is the wife. She married the respondent on 09.06.2016.



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From the wedlock, a girl child was born, who is today aged about 7 years.

The husband originally filed F.C.O.P.No.233 of 2022 on the file of the Family Court at Namakkal, for restitution of conjugal rights. This Court, by an order dated 25.01.2023 in Tr.C.M.P.No.1165 of 2022, withdrew the proceedings and transferred the same to the file of the Family Court at Karur. Thereafter, the husband has withdrawn F.C.O.P.No.69 of 2023 before the Family Court at Karur and has presented a petition for divorce in F.C.O.P.No.223 of 2023 on the file of the Family Court at Namakkal. Hence, the petitioner / wife is again before this Court seeking for transfer.

3.Taking into consideration the order passed by this Court in Tr.C.M.P.No.1165 of 2022 and the difficulties expressed by the petitioner / wife in paragraph No.8 of the affidavit and that she is taking care of a girl child, I am inclined to accept the transfer petition.

4.Accordingly, F.C.O.P.No.223 of 2023 pending on the file of the Family Court, Namakkal, is withdrawn and transferred to the file of the Family Court, Karur. It is made clear that the Family Court at Karur need not



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insist upon the respondent to appear for every hearing except the essential hearing. The respondent shall be present only for such hearings when his appearance is indispensable. For all other hearings, the respondent shall be represented by a counsel.

5. With the above directions, this Transfer Civil Miscellaneous Petition is allowed. Consequently, the connected Miscellaneous Petition is closed. No costs.

28.06.2024

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Index : Yes / No
Internet : Yes / No
Neutral Citation : Yes / No

To

1. The Family Court,
Namakkal.

2. The Family Court,
Karur.

V.LAKSHMINARAYANAN, J.



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