



Tr.C.M.P.No.59 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.11.2024

CORAM:

THE HONOURABLE MR.JUSTICE V.LAKSHMINARAYANAN

Tr.C.M.P.No.59 of 2024 and
C.M.P.No.1383 of 2024

P.Grace Diana

.. Petitioner

Vs.

L.White William

.. Respondent

PRAYER: Transfer Civil Miscellaneous Petition is filed under Section 24 of the Civil Procedure Code, to withdraw the I.D.O.P.No.41 of 2023 on the file of the Principal District Court at Krishnagiri and transfer the same to the Principal Family Court at Coimbatore.

For Petitioner : Ms.G.Selvi George

For Respondent : Mr.G.Dilipkumar



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ORDER

The petitioner is the wife. She married the respondent on 22.05.2015 at Krishnagiri. Due to dispute and differences, they have separated. Fortunately, there is no issues from the wedlock. The husband has initiated I.D.O.P.No.41 of 2023 on the file of the Principal District Court at Krishnagiri. The wife, who is a resident of S.N.Palayam in Coimbatore, pleads she is unable to travel from Coimbatore to Krishnagiri to attend the hearing before the District Court at Krishnagiri. Hence, she seeks for transfer.

2. Notice was ordered in this petition and the respondent was served.

3. Mr.G.Dilipkumar has entered appearance and opposed the transfer petition. He pleads that the respondent has aged parents and



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cannot leave them behind at Krishnagiri and travel to Coimbatore to attend the hearing. Hence, he pleads that the transfer petition should be dismissed.

4. I have carefully considered the submissions of both sides.

5. When it comes to matters of transfer, it is the convenience of the wife which has to be taken into consideration. I find it amusing that an able-bodied person, who is capable of running a business and generating income, pleads that he is not in a position to leave behind his parents and go over to the Court to contest the litigation. Krishnagiri and Coimbatore are separated by considerable distance. The petitioner has stated that she is finding extremely difficult to travel the said distance. In addition, she also pleads that she is living with her parents and is not in a position to work on account of the fact that the respondent has retained her original certificates. In the counter affidavit, nowhere the husband denies the fact that he has retained the certificates of the wife.



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6. Taking into consideration the inconvenience that will be caused to the wife to travel from Coimbatore to Krishnagiri to attend the hearing, I am inclined to accept the transfer. Accordingly, I.D.O.P.No.41 of 2023 on the file of the Principal District Court at Krishnagiri is withdrawn and transferred to the Principal Family Court at Coimbatore.

7. The learned Principal Family Judge at Coimbatore is requested not to insist upon the presence of the husband for every hearing. For every hearing, he shall be represented by a counsel. For all those hearings where his presence is essential, he shall be present.

8. This Transfer Civil Miscellaneous Petition stands allowed on the above terms. No costs. Consequently, connected miscellaneous petition is closed.

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Index: Yes/No

Internet: Yes/No

Neutral Citation: Yes/No

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V.LAKSHMINARAYANAN,J.

Kj

To

1. The Principal District Judge at Krishnagiri.
2. The Principal Family Judge at Coimbatore.

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