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Tr.C.M.P.No.1238 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.04.2024

CORAM

THE HON'BLE MR.JUSTICE V. LAKSHMINARAYANAN

Tr.C.M.P.No.1238 of 2023

Bhakiyalakshmi alias Sujitha

... Petitioner

Vs

Venkatesan

... Respondent

Prayer : Petition filed under Section 24 of the Code of Civil Procedure praying to withdraw and transfer H.M.O.P.No.23 of 2022 pending on the file of Sub-Court, Sankagiri and transfer the same to the Family Court, Karur.

For Petitioner : Mr.S.Senthil

For Respondent : Mr.J.Franklin

ORDER

The wife is the petitioner. She seeks for transfer of the proceedings in H.M.O.P.No.23 of 2022 pending on the file of Sub-Court, Sankagiri to the file of Family Court at Karur.

2. H.M.O.P.No.23 of 2022 has been filed by the husband against the wife for divorce. It is this proceedings that the wife seeks to transfer.



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3. The learned counsel for the respondent, Mr.Franklin, would state that distance between the quarters of the petitioner and Court at Sankagiri is about 55 kms, and the distance from the quarters of the petitioner to the Family Court at Karur is about 35 kms. He would state that this would not make any difference to the petitioner especially since the proceeding is at the stage of evidence. He would also state that proof affidavit has been filed by the husband on 10.04.2023.

4. If the matter is pending before a Subordinate Court, the appearance of the parties for every hearing is unnecessary. As the matter is now at the stage of trial, I am not inclined to withdraw and transfer the proceedings. Suffice it to direct the learned Subordinate Judge at Sankagiri to dispose of H.M.O.P.No.23 of 2022 within a period of six months from the date of receipt of a copy of this order. The period of six months will not include the ensuing summer vacation in May 2024.

In fine, this Tr.C.M.P stands dismissed. No costs.

22.04.2024

Index : Yes/No

Neutral Citation : Yes/No

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To

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The Sub-Court
Sankagiri



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V. LAKSHMINARAYANAN, J.

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