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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.06.2025

CORAM

THE HONOURABLE MR JUSTICE P.B. BALAJI

Tr.C.M.P.No.30 of 2025

& CMP.No.727 of 2025

Dr.Yamuna Devi

... Petitioner

vs.

Dr.Pradeep

... Respondent

PRAYER: Transfer Civil Miscellaneous Petition filed under Section 24 of Code of Civil Procedure to withdraw HMOP.No.23 of 2024 on the file of the Sub-Court, Sathyamangalam and transfer the same to the file of the Family Court, Tiruppur.

For Petitioner : Mr.K.Myilsamy

For Respondent : Mr.J.Titus Enock

ORDER

This Transfer Civil Miscellaneous Petition has been filed to withdraw HMOP.No.23 of 2024 on the file of the Sub-Court, Sathyamangalam and transfer the same to the file of the Family Court, Tiruppur.



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2. Heard the learned counsel for the parties.

3. The petitioner and the respondent are practicing doctors. The petitioner/wife seeks transfer of the proceedings from the file of the Sub-Court, Sathyamangalam, to the Family Court, Tiruppur, citing personal inconvenience to attend the hearings before the Sub-Court, Sathyamangalam.

4. Mr. J. Titus Enock, learned counsel for the respondent would however submit that the respondent/husband is a doctor, who is attached to the Primary Health Centre and the proceedings are pending only before the Sub-Court, Sathyamangalam where the presence of the parties is not absolutely necessary for all hearings. It is therefore submitted that the transfer petition need not be entertained.

5. However, considering the averments set out in the transfer petition, I am inclined to prima facie accept the averments set out therein, expressing inconvenience for attending the hearings before the Sub Court,



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Sathyamangalam. At the same time, in order to protect the interest of the respondent/husband as well, while this Transfer Civil Miscellaneous Petition is allowed and the case in HMOP.No.23 of 2024 is hereby withdrawn from the file of the Sub-Court, Sathyamangalam and transferred to the file of the Family Court, Tiruppur, a direction is given to the Family Court, Tiruppur to not insist on the physical presence of the respondent/husband for all hearings and his presence may be required only for hearings where it is absolutely necessary, for example, the chief examination/cross examination. On all other hearing dates, he can be represented by his counsel or authorised agent. There shall be no order as to costs. Connected Civil Miscellaneous Petition is closed.

04.06.2025

Speaking/Non-speaking : Yes/No

Index : Yes / No

Internet : Yes / No

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To

- 1.The Sub-Court, Sathyamangalam.
- 2.The Family Court, Tiruppur.



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P.B. BALAJI,J.

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