



Tr.C.M.P.No.51 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated :18.06.2025

CORAM:

**THE HON'BLE MR. JUSTICE P.B. BALAJI**

Tr.C.M.P.No.51 of 2025 and C.M.P.No.1041 of 2025

Nithya

.... Petitioner

VS

Mohan Rajesh

... Respondent

Tr.Civil Revision Petition filed under Section 24 of Civil Procedure Code seeking to withdraw F.C.O.P.No.223 of 2024, pending on the file of Family Court, Erode and transfer the same to the file of Subordinate Court, Thirukoilur.

For Petitioner

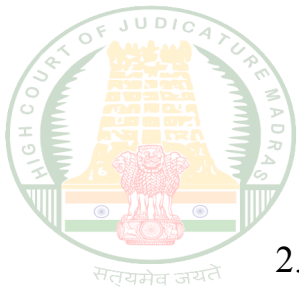
: Mr.D.Lakshmipathy

For Respondent

: Mr.C.Prabakaran

**ORDER**

The petitioner/wife seeks transfer of HMOP No.223 of 2024. filed by the respondent/husband from the file of Family Court, Erode to Subordinate Court, Thirukoilur.



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2. The petitioner/wife has stated that she has to take care of her minor son, aged about 8 years and she is finding it difficult to attend the hearings before Family Court Erode . She further states that she is depending on her parents.

3. Per contra, the respondent/husband filed counter affidavit wherein he has stated that he is a permanent resident of Erode and is suffering from Mangular Trisomy and Glaucoma, a rare and incurable eye condition causing progressive vision loss. He therefore expresses his inability to travel approximately 180 kms from Erode toThirukoilur.

4. Considering the submissions made on either side and also in line with the petition and counter affidavit filed by the petitioner and respondent respectively, I am inclined to pass the following order:-

(i) Tr.C.M.P.No.51 of 2025 is allowed and FCOP No.223 of 2024 pending on the file of Family Court, Erode is withdrawn and the same is transferred to Subordinate Court, Thiurkoilur;



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(ii) Family Court, Erode is directed to send the entire records relating to FCOP No.223 of 2024 to Subordinate Court, Thirukoilur forthwith.

(iii) On account of his physical incapacity viz., Mangular Trisomy and Glaucoma, a rare and incurable eye condition causing progressive vision loss, the Subordinate Court, Thirukoilur shall not insist on the physical presence of the respondent/husband on all hearing dates, unless where it is absolutely necessary for e.g., either for counselling or for trial (chief or cross examination).

(iv) On the assigned dates, when the respondent/husband is present before Subordinate Court, Thirukoilur for purpose of his examination, no adjournment shall be granted and his evidence shall be recorded on priority basis.



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**P.B.BALAJI.,J.**

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(v) The Subordinate Court, Thirukoilur is directed to complete FCOP No.223 of 2024 within a period of nine months from the date of receipt of a copy of this order.

No costs. Consequently, connected miscellaneous petition is closed.

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Index: Yes/No

Website:yes/no

Speaking Order/Non-Speaking Order

sr

To

1. The Family Court, Erode
2. the Subordinate Court, Thirukoilur

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