



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.07.2025

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THE HONOURABLE MR JUSTICE P.B. BALAJI

Tr.C.M.P.No.389 of 2025

and CMP. No.8654 of 2025

Mrs.Saratha

... Petitioner

VS.

Mr.Manokaran @ Palanisamy

... Respondent

PRAYER: Transfer Civil Miscellaneous Petition filed under Section 24 of Code of Civil Procedure, to withdraw the petition in HMOP. No.543 of 2024 on the file of the District Judge, Family Court, Erode to transfer the same to the Family Court, Coimbatore.

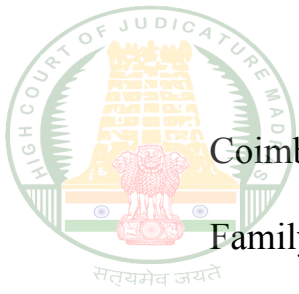
For Petitioner : Mr.J.Franklin

For Respondent : Mr.M.Karthik for
Mr.J.Titus Enock

ORDER

The wife who has been arrayed as respondent in HMOP. No.543 of 2024 has sought for transfer of the proceedings from the file of the Family Court, Erode to be transferred to the Family Court at Coimbatore.

2. The petitioner has stated that she is a resident of Kanuvai,



Coimbatore and that she is unable to travel long distances to reach the Family Court at Erode and it is stated by the petitioner that she is also living with aged parents and without some one's assistance to accompany her, it is difficult for attending the hearings before the Family Court, Erode.

3. The request for transfer is opposed by respondent/husband mainly on the ground that the respondent/husband is suffering from paralysis and he is not in a position to travel and therefore, the proceedings have to be continued only before the Family Court at Erode.

4. I have gone through medical records that are filed by way of typedset on the side of the respondent. It is seen that the respondent/husband is suffering from a mild posterior disc bulge and I do not find the medical report even suggesting that the petitioner is paralysed as contended by the respondent in the counter affidavit.

5. In view of the above and in the light of the settled position of law pertaining to transfer of matrimonial proceedings, requiring paramount consideration to be given to the convenience of the wife, I am inclined to accept the request for transfer as prayed for by the petitioner/wife. However, considering that the respondent is also suffering from disc bulge and it



would not be convenient for him to travel long distances, the Family Court, Coimbatore shall dispense with the physical presence of the respondent and shall not insist on his presence on all hearing dates except where his presence would be necessary for recording his evidence in chief and cross examination.

6. With the above directions, this Transfer Civil Miscellaneous Petition is allowed. No costs. Connected Miscellaneous Petition is also closed.

09.07.2025

Speaking/Non-speaking : Yes/No

Index : Yes / No

rkp

To

1.The District Judge, Family Court, Erode.

2.The Judge, Family Court, Coimbatore.

P.B.BALAJI.J.,

rkp



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