



Tr CMP.No.838 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.01.2025

CORAM

THE HON'BLE MR.JUSTICE **V.LAKSHMINARAYANAN**

Tr CMP.No.838 of 2024 &
CMP.No.18535 of 2024

Mehathab : Petitioner

versus

K.Saleem Basha : Respondent

Prayer: Petition filed under Section 24 of the Code of Civil Procedure to withdraw and transfer O.S.No.39 of 2023 pending on the file of the Principal District Munsif Court at Coimbatore to District Court at Krishnagiri.

For Petitioner : Ms.S.Jessy Monica

For Respondent : Mr.C.D.Sugumar



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ORDER

The learned counsel for the petitioner/wife brings to the notice of the court that the number of the suit, which is sought to be transferred has been wrongly given as O.S.No.39 of 2023 instead of O.S.No.39 of 2022. In addition, she points out that the suit is pending before the Principal Family Court at Coimbatore, however, it has been mentioned as the suit is pending before the Principal District Munsif Court at Coimbatore. The error is apparent.

2. Therefore, the Registry shall amend the suit number from O.S.No.39 of 2023 to O.S.No.39 of 2022 and also amend the court from the Principal District Munsif Court at Coimbatore to Principal Family Court at Coimbatore.

3. I heard both counsels. I have gone through the affidavit.

4. The petitioner married the respondent on 31.12.2017. From the



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wedlock, they were blessed with a child. Due to disputes and differences, the parties have separated. The respondent/husband initiated proceedings in O.S.No.39 of 2022 before the learned Family Judge, Coimbatore. Pleading that she is residing in Krishnagiri and unable to travel from Krishnagiri to Coimbatore, the wife has moved this transfer petition.

5. This Court and the Supreme Court have consistently held in matters of transfer, the convenience of the wife should be given a superior consideration than that of the husband. As the distance between Krishnagiri and Coimbatore is considerable and since it will be difficult for the wife to leave the child behind and travel to attend the Court, I am inclined to accept the transfer.

6. Accordingly, O.S.No.39 of 2022 is withdrawn from the file of the Principal Family Court at Coimbatore and is transferred to the file of the Family Court at Krishnagiri.

7. The Family Court need not insist upon the appearance of the



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husband on all hearing dates. For non-essential and procedural hearings, the husband will be represented by a counsel. He shall however present himself before the Court when the Trial Court passes a specific order for his appearance or when his presence is indispensable.

8. The Transfer Civil Miscellaneous Petition is ordered on the above terms. No costs. Consequently, connected miscellaneous petition is closed.

24.01.2025

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Index : Yes/No

Speaking Order/Non speaking order

Neutral Citation : Yes/No



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To

- 1.The Principal Family Judge, Principal Family Court, Coimbatore
- 2.The Family Judge, Family Court, Krishnagiri



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V.LAKSHMINARAYANAN, J.
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