

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.11.2015

CORAM

THE HONOURABLE Ms.JUSTICE R.MALA

Tr.C.M.P.No.829 of 2014
and M.P.No.1 of 2015

B.Revathy

..Petitioner

-Vs-

K.Praveen Kumar

..Respondent

Transfer C.M.P., filed under Section 24 of Civil Procedure Code praying to withdraw the case in H.M.O.P.No.955 of 2014 pending on the file of Family Court, Coimbatore and to transfer the same to the file of Family Court, Erode.

For petitioner : Mr.V.Balamurugane
For respondent : Mr.J.Pothiraj

ORDER

Heard.

2. The petitioner/wife, who is the respondent in H.M.O.P.No.955 of 2014 on the file of Family Court, Coimbatore has come forward with this petition for transfer of the said H.M.O.P., to Family Court at Erode.

3. It is stated in the petition that her marriage has been performed on 22.02.2013 and now the husband has filed H.M.O.P.No.955 of 2014 before the Family Court, Coimbatore due to difference of opinion arose between them, seeking divorce and the same is pending. It is further stated in the petition that she is residing in Erode and she has also filed petitions in C.M.P.Nos.2781 and 2782 of 2014 on the file of Judicial Magistrate Court No.3, Erode, for various offences under Prevention of Domestic Violence against Women and for interim maintenance. She has further stated that it is very difficult for her to attend each and every hearing in the H.M.O.P.No.955 of 2014 before the Family Court, Coimbatore and hence, she has come forward with this Tr.C.M.P., for transfer of H.M.O.P.No.955 of 2014.

4. Resisting the above said contentions, learned counsel appearing for the respondent/husband contended that the respondent/husband is an Engineer and work under a Private Concern at Coimbatore, hence, it will be difficult for him to attend the court at Erode. Since in the Family Court

Proceedings, presence of spouses are mandatory, the learned counsel for the respondent/husband submitted that the respondent has no objection for transfer of the proceedings to her wife's place.

5. I have considered the submissions made on both sides and perused the typed set of papers.

6. The admitted facts herein are that the respondent has filed H.M.O.P.No.955 of 2014 for divorce on the ground of cruelty; the marriage has been solemnized on 22.02.2013 and that the application for divorce has been filed within two years i.e., on 01.08.2014. Further the petitioner herein/wife is now residing at Erode along with her parents and she has also filed petitions in C.M.P.Nos.2781 and 2782 of 2014 for various offences under Prevention of Domestic Violence against Women and for interim maintenance and the same are pending before the Judicial Magistrate Court, No.3, Erode.

7. In view of the facts and circumstances of the case stated supra, the case in H.M.O.P.No.955 of 2014 pending before Family Court, Coimbatore is withdrawn and the same is transferred to Family Court, Erode. Furthermore, in view of the submission made on behalf of the respondent/husband at the time of dictating the order that the respondent/husband is not working under any Private Concern, this court is of the view that no harm will be caused to the respondent/husband in transferring the pending H.M.O.P., from the file of Family Court, Coimbatore to Family Court, Erode. The Family Court, Coimbatore is directed to transmit the records pertaining to H.M.O.P.No.955 of 2014 to the file of the Family Court, Erode, within a period of 15 days from the date of receipt of a copy of this order. On receipt of the material papers, the Family Court, Erode is directed to dispose of the matter within three months from the date of such receipt of material papers.

8. Accordingly, this Transfer Civil Miscellaneous Petition is ordered. No costs. Consequently, connected miscellaneous petition is closed.

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Sd/-
Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

nvsri

<https://hcservices.ecourts.gov.in/hcservices/>

To

1.The Family Judge, Coimbatore.

2.The Family Court Judge, Erode.

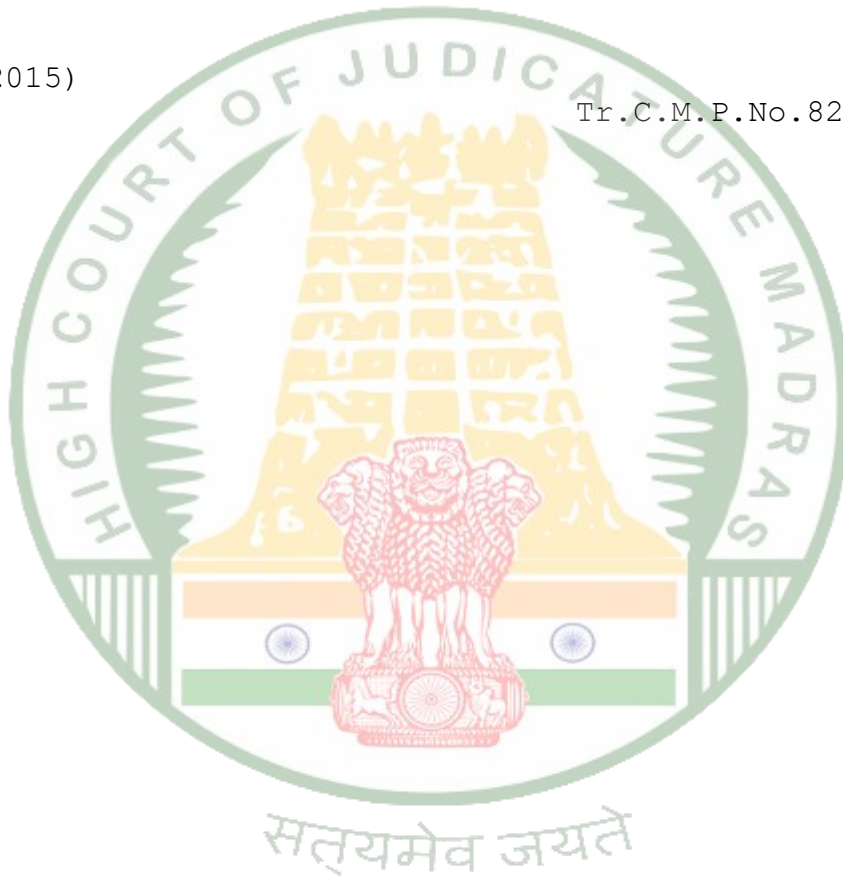
+1cc to Mr.B. J. Pothiraj, Advocate, S.R.No. 61856

+1cc to Mr.B. V. Balamurugane, Advocate, S.R.No.61519

SK(CO)

EU(30/11/2015)

Tr.C.M.P.No.829 of 2014



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