

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.09.2015

CORAM:

THE HONOURABLE MR.JUSTICE D.HARIPARANTHAMAN

Tr.C.M.P.No.595 of 2015 and
M.P.No.1 of 2015

G.Vidyaprakash

.. PETITIONER

Vs

P.Elakkia

.. RESPONDENT

Transfer Civil Miscellaneous Petition filed under Section 24 of the Civil Procedure Code to withdraw the case in HMOP.No.168 of 2015 from the file of the Family Court, Erode to the file of the Family Court, Coimbatore to try the same.

For petitioner : Mr.K.M.D.Muhilan

For Respondent : Mr.I.C.Vasudevan

O R D E R

The petitioner is the husband. The respondent-wife filed HMOP.No.168 of 2015 on the file of the Family Court, Erode, seeking for divorce on the ground of cruelty.

2. In HMOP.No.168 of 2015, the respondent wife has stated that the petitioner-husband is suffering from incurable nervous problem and he took treatment even prior to marriage. It is stated that the petitioner-husband is not able to lead a normal family life and he cannot continuously stand without any support and he will be shivering. Placing reliance on the said averments of the respondent wife, the petitioner herein has filed this Transfer Civil Miscellaneous Petition to transfer HMOP.No.168 of 2015 from the Family Court, Erode to the Family Court, Coimbatore.

3. In this regard, it is useful to extract para VI in the HMOP.No.168 of 2015 here under:

'VI. The respondent is suffering from incurable nervous problem and he was treatment even prior to marriage. The respondents family burked the above fact and performed the marriage without informing the said fact to the petitioner's family. Only after marriage, the petitioner came to know about the problem. The respondent is not able to lead a normal family life, he cannot stand continuously without any support and will be shivering.'

4. In view of the aforesaid averment of the respondent wife in HMOP.No.168 of 2015, I am of the view that the HMOP.No.168 of 2015 could be transferred from Family Court, Erode to the Family Court, Coimbatore taking into account the fact that the petitioner husband is seriously ill as alleged by the wife.

5. Accordingly, the Transfer Civil Miscellaneous Petition is allowed by transferring the HMOP.No.168 of 2015 from Family Court, Erode to Family Court, Coimbatore. No costs. Consequently, connected Miscellaneous Petition is closed.

11/09/2015

tsi

This petition having been posted on Friday the Ninth day of October 2015 for being mentioned in pursuance of the order of this Court dated Friday the eleventh day of september 2015 and made herein in pursuance of the aforesaid Advocates this Court made the following order:-

The matter is listed today under the caption 'for being mentioned'.

2. Taking into account the fact that the petitioner / husband is suffering from "Parkinson's disease" and he cannot stand and walk continuously for a long time without any support, the transfer CMP filed by him to transfer H.M.O.P.No.168 of 2015 pending on the file of the Family Court, Erode to the file of Family Court, Coimbatore, was allowed. But, time limit for disposal of the said HMOP has not been fixed.

3. Hence, para 5 of the order dated 11.9.2015 made in Tr.CMP No.595 of 2015 is modified as follows:-

" 5. Accordingly, the Transfer Civil Miscellaneous Petition is allowed by transferring the petition in

HMOP No.168 of 2015 from Family Court, Erode to Family Court, Coimbatore. The learned Judge of Family Court, Erode is directed to send the bundle immediately to the file of learned Judge of Family Court, Coimbatore and the learned Judge of Family Court, Coimbatore is directed to dispose of HMOP No.168 of 2015 within a period of six months from the date of receipt of the bundle. No costs. Consequently, connected miscellaneous petition is closed."

Registry is directed to issue fresh order copy to both the parties.

sbi

-s/d-

Assistant Registrar (CS-II)

True Copy

Sub-Assistant Registrar

To

1. The Judge, Family Court, Erode.
2. The Judge Family Court, Coimbatore.

+1 cc to Mr.K.M.D.Mukilan, Advocate sr.55345

+1 cc to Mr.I.C.Vasudevan Advocate sr.55648

Tr.C.M.P.No.595 of 2015

aa5/10/2015

CO-CA

JD 28/10/2015

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