



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 07.04.2015

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CORAM:

THE HONOURABLE **MS. JUSTICE V.M.VELUMANI**

TR.C.M.P(MD)No.449 of 2014

and

M.P. (MD) .No.1 of 2014

Tmt.Thyla

... Petitioner

Vs.

P.Sathish Kumar

... Respondent

PRAYER: Transfer Civil Miscellaneous Petition is filed under Section 24 of C.P.C. to withdraw and transfer the H.M.O.P.No.1212 of 2014 filed by the respondent on the file of Family Court, Coimbatore and transfer the same to the file of Sub Court, Pudukottai to be tried along with H.M.O.P.No.184 of 2014 filed by the petitioner.

For Petitioner : Mr.N.Balakrishnan

For Respondent : Mr.N.S.Karthikeyan

ORDER

The Transfer Civil Miscellaneous Petition is filed to withdraw and transfer the H.M.O.P.No.1212 of 2014 on the file of Family Court, Coimbatore to the file of Sub Court, Pudukottai to be tried along with H.M.O.P.No.184 of 2014 filed by the petitioner.

2. The petitioner and the respondent got married on 21.10.2010 and out of wedlock, a female child by name Swarsah was born on 21.08.2012. Due to unkind treatment by the respondent herein, the petitioner left the matrimonial home and staying with her parents' house at Pudukottai along with her minor child. She filed H.M.O.P.No.184 of 2014 before the Sub Court, Pudukottai for restitution of conjugal rights. The respondent has entered appearance through advocate and the case is posted for trial. The respondent filed H.M.O.P.No.1212 of 2014 before the Family Court, Coimbatore for divorce. The petitioner is not having any independent income and she is



depending upon her parents to attend the hearing at Coimbatore. She is finding it very difficult to travel such a long distance from Pudukottai to Coimbatore along with the minor child. She has also stated that it will not be difficult for the respondent/husband to attend the hearing at Pudukottai. The transfer is sought to Sub Court, Pudukottai, in which Court the respondent/husband can appear through the advocate, whereas in the Family Court, Coimbatore, the petitioner has to appear in person. Therefore, she has filed the present Transfer Civil Miscellaneous Petition for transferring the H.M.O.P.No.1212 of 2014 on the file of Family Court, Coimbatore to the file of Sub Court, Pudukottai to be tried along with H.M.O.P.No.184 of 2014 filed by the petitioner.

3. The learned counsel for the respondent vehemently opposed the Transfer Civil Miscellaneous Petition and he submitted that this petition is devoid of merits and the reasons given by the petitioner are not sufficient to transfer the H.M.O.P.No.1212 of 2014 pending before the Family Court, Coimbatore to Sub Court, Pudukottai. He further submitted that the petition for restitution of conjugal rights and this transfer civil miscellaneous petition are filed only with a view to harass the respondent/husband and therefore, prayed for dismissal of this petition.

4. Heard the learned counsel for the petitioner and the learned counsel for the respondent.

5. From the pleading it is seen that the petitioner is not having any independent income and she is having a minor female child of four years. Therefore, the contention of the petitioner is that it is very difficult for her to travel from Pudukottai to Coimbatore along with her minor child for every hearing in the Family Court, Coimbatore and there will not be any difficulty for the respondent/husband to attend the hearing at Pudukottai either personally or through counsel are well bounded. Further, the petitioner filed H.M.O.P.No.184 of 2014 before the Sub Court, Pudukottai for restitution of conjugal rights and the respondent filed H.M.O.P.No.1212 of 2014 before the Family Court, Coimbatore for divorce. In order to avoid conflict of decisions by the Family Court, Coimbatore and Sub Court, Pudukottai, it will be in the interest of justice, both the H.M.O.Ps. are heard together in the same Court.

6. Taking into consideration the situation in which the petitioner/wife is placed and the reasons given in the transfer civil miscellaneous petition, this petition is ordered and the H.M.O.P.No.1212 of 2014 on the file of Family Court, Coimbatore is transferred to the file of Sub Court, Pudukottai to be tried along with H.M.O.P.No.184 of 2014 filed by the petitioner for



further proceedings. No costs. Miscellaneous Petition is closed.

Consequently, the connected

Sd/-

Assistant Registrar (Per Admn)

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/True Copy/

Sub Assistant Registrar

To

1. The Judge, Family Court,
Coimbatore.
2. The Sub Judge,
Pudukottai.

+1cc to Mr.N.Balakrishnan, Advocate Sr.No. 17236
+1cc to Mr.N.S.Karthikeyan, Advocate Sr.No. 18081
akv
AA/17.04.2015/3p- 5c/

TR.C.M.P (MD) No.449 of 2014
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