



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.01.2016

CORAM :

THE HONOURABLE MS. JUSTICE R.MALA

Tr.C.M.P. No.38 of 2015

and

M.P.No.1 of 2015

Kathija Banu

... Petitioner/Respondent

Vs.

Karthikeyan

... Respondent/Petitioner

Prayer:- Petition has been filed under Section 24 of C.P.C., to withdraw S.M.O.P.No.607 of 2014 on the file of the Family Court, Coimbatore and transfer the same to the file of the Family Court, Chennai.

For Petitioner : Mr.S.Ganesh

For Respondent : Mr.T.Susindran

O R D E R

The wife, who is the respondent in S.M.O.P.No.607 of 2014, has come forward with this petition to transfer the same from the file of the Family Court, Coimbatore, to the file of the Family Court, Chennai.

2.Learned counsel for the petitioner submitted that the respondent/husband has filed a petition in S.M.O.P.No.607 of 2014 under Section 22 of the Special Marriage Act, for restitution of conjugal rights on the file of the Family Court, Coimbatore. It is further submitted that the petitioner/wife is residing in Chennai along with her daughter, who is four years old and hence, it is difficult for her to travel from Chennai to Coimbatore to attend each and every hearing. Therefore, she prays that the case may be transferred from the Family Court, Coimbatore to the file of the Family Court, Chennai, for disposal.



3.Learned counsel for the respondent submitted that he leaves the matter for Court's consideration.

4.Considering the submissions made on both sides and perusing the typed set of papers, the respondent/husband has filed a petition in S.M.O.P.No.607 of 2014 for restitution of conjugal rights before the Family Court, Coimbatore. The petitioner/wife is residing within the jurisdiction of Chennai along with her four years old female child. Since the petitioner/wife is having four years old child, by applying the guidelines laid down in 2000 (2) T.L.N.J.158 (Sudha v. Vaidyanathan), I am inclined to order transfer. Accordingly, the petition in S.M.O.P.No.607 of 2014 is ordered to be withdrawn from the file of the Family Court, Coimbatore and transferred to the file of the Family Court, Chennai, for disposal in accordance with law. The Presiding Officer, Family Court, Coimbatore, is directed to transmit all the records pertaining to S.M.O.P.No.607 of 2014 to the file of the III Additional Family Court, Chennai, within a period of two weeks from the date of receipt of a copy of this order.

5.Accordingly, this Transfer Civil Miscellaneous Petition is disposed of. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

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To

- 1.The Judge, Family Court,
Coimbatore.
- 2.The Presiding Officer,
III Additional Family Court,
Chennai.

+1cc to Mr.S.Ganesh, Advocate, S.R.No.2004
+1cc to Mr.T.Susindran, Advocate, S.R.No.1952

Tr.C.M.P. No.38 of 2015
and M.P.No.1 of 2015

AD(CO)
CA(25/01/2016)