

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.09.2016

CORAM:

THE HONOURABLE MR. JUSTICE K.K.SASIDHARAN

Tr.CMP.No.837 of 2015

and MP.No.1 of 2015

P.M.Swathi Priya .. Petitioner

Vs.

B.Prabhu .. Respondent

Prayer: Transfer Petition filed under Section 24 of Civil Procedure Code, praying to withdraw the petition in HMOP.No.137 of 2015 on the file of the Sub Judge, Tirupattur, Vellore District and transfer the same to the file of the Family Court, Coimbatore to be tried along with the Family Court, Coimbatore, in HMOP.No.1046 of 2015.

For Petitioner : Mr.C.Veeraraghavan
For Respondent : Mr.E.Kannadasan

ORDER

The petitioner initiated proceedings in HMOP.No.1046 of 2015 before the Family Court, Coimbatore, for a decree of dissolution of marriage. The respondent on the other hand filed HMOP.No.137 of 2015 before the Sub Court at Tirupattur, Vellore District, praying for a decree of restitution of conjugal rights.

2. The petitioner seeks transfer of proceedings in HMOP.No.137 of 2015 to a Court at Coimbatore.

3. The learned counsel for the respondent submitted that the respondent has no objection in transferring the proceedings to a Court at Coimbatore. However, he should be given liberty to appear before the Court at Coimbatore only on the effective dates of hearings.

4. The petitioner is a permanent resident of Coimbatore. The petitioner has already initiated proceedings in HMOP.No.1046 of 2015 before the Family Court, Coimbatore, for divorce. According to the petitioner, it would not be possible for her to appear before the Sub Court at Tirupattur, in view of her permanent residence at Coimbatore. The respondent has no objection for transfer.

5. In the result, the proceedings in HMOP.No.137 of 2015 is withdrawn from the file of the Sub Court, Tirupattur, Vellore District and is transferred to the Family Court, Coimbatore, for disposal on merits. It is open to the respondent to approach the Family Court, Coimbatore, for appropriate relief for exemption from appearance, taking into account his pre-occupation at Tirupattur.

The transfer petition is allowed with the above observation. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Asst. Registrar.

/true copy/

Sub Asst. Registrar.

ds

To

1 The Subordinate Judge,
Tirupattur, Vellore District

2 The Judge, Family Court, Coimbatore

+1 CC to Mr. E. Kannadesan, Advocate Sr.No.52079

+1 CC to Mr. C. Veeraraghavan, Advocate Sr.No.52042

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AK (CO)

MD : 19/10/2016