

HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.10.2017

CORAM:

THE HONOURABLE MRS. JUSTICE PUSHPA SATHYANARAYANA

Tr.C.M.P.No.413 of 2017
and C.M.P.No.8663 of 2017

P. Johnsi Rani		... Petitioner
	Vs.	
R. Mohan Kumar		... Respondent

Prayer: Petition filed under Section 24 of the Civil Procedure Code praying to withdraw the case H.M.O.P.No.524 of 2013 on the file of Family Court, Coimbatore and to transfer the same to Family Court, Erode.

For Petitioner : Mr.Kaithamalai Kumaran
For Respondent : Mr.C.Ananda Ramani

O R D E R

The wife in a matrimonial proceedings has filed this transfer C.M.P., seeking H.M.O.P.No.524 of 2013 filed by the husband on the file of the Family Court, Coimbatore to be transferred to Family Court, Erode, as she is living in Anthiyur, which itself is 35 kms. away from Erode. Though there were several allegations made in the affidavit and there is a reference to the earlier proceedings in paragraph 6 of the affidavit filed in support of this Tr.C.M.P., it is specifically stated that the wife is facing pressure to submit for the decree of divorce and many times, she has to travel for every hearing at the Family Court, Coimbatore. As she has to travel alone many times, she apprehends that the respondent would take advantage of her helplessness. The respondent is seriously opposed for transferring the case from Family Court, Coimbatore to Family Court, Erode.

2. Considering the convenience of both the parties, Family Court, Erode would be appropriate Court to transfer the above H.M.O.P. for trial. Accordingly, the transfer petition is allowed by transferring the H.M.O.P. No.524 of 2013 on the file of the Family Court, Coimbatore to the Family Court, Erode. Considering the fact that the O.P. itself is filed in the year 2013, the same should be disposed of at the earliest.

3. It is stated that the petitioner/wife has not even filed a counter in the above O.P. It is stated that the matter is posted on 09.10.2017 before the Family Court, Coimbatore. The petitioner/wife is directed to file counter in H.M.O.P.No.524 of 2013 on the file of the Family Court, Coimbatore on that day without fail. Only after the counter is filed by the petitioner/wife, the Family Court, Coimbatore is directed to transfer the above H.M.O.P. to the file of Family Court, Erode. Once the said H.M.O.P. is transferred to the Family Court, Erode, the learned Judge of the Family Court, Erode is directed to dispose of the said H.M.O.P. on or before 30th April, 2018.

-s/d-
Assistant Registrar (CS-IV)

True Copy

Sub-Assistant Registrar

rsi/srn

To

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

+1 CC to Mr.S. Kaithamalai Kumaran, Advocate sr 71825.

+1 CC to Mr.C. Anantha Ramani, Advocate sr 71920.

सत्यमेव जयते Tr.C.M.P.No.413 of 2017
and C.M.P.No.8663 of 2017

SP(31/10/2017)

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