

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 19.12.2017
CORAM :
THE HONOURABLE Mrs. JUSTICE PUSHPA SATHYANARAYANA
Tr.C.M.P.No.884 of 2017
and C.M.P.No.17837 of 2017

Deepa

... Petitioner/Respondent

versus

T. Prabhu

... Respondent/Petitioner

Prayer:- The Petition is filed under Section 24 of C.P.C. praying to withdraw H.M.O.P.No.519 of 2015 on the file of Family Court, Coimbatore and to transfer the same to the Family Court, Erode to try along with H.M.O.P.No.141 of 2017 on the file of the Family Court, Erode.

For Petitioner : Mr.D.R.Arun Kumar

For Respondent : Mr.M.N.Balakrishnan

O R D E R

The petitioner/wife has filed this transfer Civil Miscellaneous Petition seeking to withdraw H.M.O.P.No.519 of 2015, pending on the file of Family Court, Coimbatore and transfer the same to the file of Family Court, Erode to be tried along with H.M.O.P.No.141 of 2017.

2. H.M.O.P.No.519 of 2015 was filed by the respondent/husband under Section 13(1)(i-a)(i-b) of the Hindu Marriage Act, before the Family Judge, Coimbatore for dissolution of marriage solemnized between the petitioner and the respondent on 22.08.2010. The petitioner/wife has filed H.M.O.P.No.141 of 2017 under Section 9 of the Hindu Marriage Act, before the Family Court, Erode for restitution of conjugal rights.

3. In the affidavit filed in support of the petition the petitioner/wife has expressed her difficulty to travel nearly 120 kms from Erode to Coimbatore along with her child and parents. Hence, the petitioner/wife is seeking transfer of H.M.O.P.No.519 of 2015 from the file of Family Court, Coimbatore to the file of Family Court, Erode to be tried along with

H.M.O.P.No.141 of 2017, which is already pending on the file of Family Court, Erode.

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

5. Considering Section 19(iii-a) of the Hindu Marriage Act, which speaks about the convenience of the wife is paramount, this Court is inclined to transfer H.M.O.P.No. 519 of 2015, pending on the file of Family Court, Coimbatore to the file of Family Court, Erode, to be tried along with H.M.O.P.No.141 of 2017, which is already pending.

6. However, the learned counsel appearing for the respondent has got no serious objection for allowing the said transfer.

7. Accordingly, the Transfer Civil Miscellaneous Petition is allowed by withdrawing H.M.O.P.No.519 of 2015, pending on the file of Family Court, Coimbatore and transferring the same to the file of Family Court, Erode, to be tried along with H.M.O.P.No.141 of 2017. No Costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

rsi
To

1. The Family Court Judge,
Coimbatore.

2. The Family Court Judge,
Erode.

+1 cc to Mr.D.R.Arunkumar Advocate sr 90687

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sr(co)
aa11/01/2018