



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED :11.12.2017

CORAM :

THE HONOURABLE MR.JUSTICE S.BASKARAN

Tr.C.M.P(MD).No.244 of 2017

and

C.M.P. (MD).No.5859 of 2017

Madhumitha

... Petitioner/Respondent

vs.

Rajesh

... Respondent/Petitioner

Prayer: This Transfer Civil Miscellaneous Petition filed under Section 24 of C.P.C to withdraw and transfer the petition in H.M.O.P.No.13 of 2017 pending on the file of the Sub-Court, Kulithalai, Karur District to Family Court, Coimbatore or any other competent Court at Coimbatore.

For Petitioner : Mr.RMS.Sethuraman

For Respondent : Mr.M.Bindran

ORDER

The petitioner has come forward with this petition seeking to withdraw and transfer the petition in H.M.O.P.No.13 of 2017, pending on the file of the Sub-Court, Kulithalai, Karur District to the Family Court, Coimbatore or any other competent Court at Coimbatore.

2.The petitioner states that her marriage with the respondent/husband was solemnized on 01.06.2012. After marriage, she lived with the respondent at Kulithalai and subsequently, misunderstanding arose between them. Due to the respondent's attitude, the petitioner went back to her parent's home with six months pregnancy and gave birth to a female child on 13.01.2015. Thereafter, the petitioner was not taken back to matrimonial home. The respondent then filed H.M.O.P.No.13 of 2017 before the Sub-Court, Kulithalai, Karur District seeking divorce and the same is pending. The petitioner is now residing with her parents and taking care of 2 ½ years baby and she is unemployed and depending on her parents. It is very difficult for her to travel to Kulithalai which is situated far away from Coimbatore. Hence she seeks transfer of the said case.

<https://hcservices.ecourts.gov.in/hcservices/>

3.The learned counsel for the respondent is present and he has no serious objection to entertain this petition.



4. In such circumstances, considering the reasons stated by the petitioner and the fact that the petitioner is unemployed and depending on her parents and taking care of 2 ½ years of baby and it is very difficult to travel to Kulithalai, this Court is inclined to entertain this petition by transferring the H.M.O.P.No.13 of 2017 from the file of the Sub Court, Kulithalai, Karur District to the the Family Court, Coimbatore. The point is answered accordingly.

6. In the result, this petition is allowed and H.M.O.P.No.13 of 2017 is transferred from the file of the Sub Court, Kulithalai, Karur District to the the Family Court, Coimbatore. The Family Court, Coimbatore, is directed to dispose of H.M.O.P.No.13 of 2017 as early as possible preferably, within a period of six months from the date of receipt of records from the concerned Court. Consequently, connected Civil Miscellaneous petition is closed. No Costs.

Sd/-

Assistant Registrar(C.O.)

/True Copy/

Sub Assistant Registrar

To

1. The Subordinate Judge, Kulithalai, Karur District.

2. The Judge, Family Court, Coimbatore.

+1CC to Mr.Rms.Sethuraman, Advocate, SR.No. 92020

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