

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13.03.2018

C O R A M

THE HONOURABLE Mrs.JUSTICE PUSHPA SATHYANARAYANA

Tr.C.M.P.No.811 of 2017
and C.M.P.No.16819 of 2017

D.Geetha @ Kamaleswari .. Petitioner

-Vs.-

A.Ashok Kumar .. Respondent

Transfer Civil Miscellaneous Petition filed under Section 24 of C.P.C praying to withdraw H.M.O.P.No.391 of 2017 from the file of the Principal Family Court, Coimbatore and transfer the same to the file of the Subordinate Judge, Gobichettipalayam.

For petitioner ... Mr.R.Bharath Kumar

For Respondent ... Mr.P.M.Duraiswamy

O R D E R

The petitioner/wife has filed the above Transfer Civil Miscellaneous Petition seeking to withdraw the H.M.O.P.No.391 of 2017 filed by the husband pending on the file of the Principal Family Court, Coimbatore and transfer the same to the file of the Subordinate Court, Gobichettipalayam.

2. H.M.O.P.No.391 of 2017 is filed by the respondent-husband under Section 13(1) (i-a) (i-b) of the Hindu Marriage Act on the file of the Principal Family Court, Coimbatore for dissolution of marriage held between the petitioner and the respondent on 11.09.2013. It is stated that the petitioner-wife has also filed D.V.A.No.10 of 2017 before the learned Judicial Magistrate No.I, Gobichettipalayam, in which, the respondent-husband has been appearing.

3. In paragraph 7 of the affidavit filed in support of the petition, it is stated that the petitioner-wife is staying with her parents at Gobichettipalayam and she could not travel to Coimbatore to attend each and every hearing of the said H.M.O.P. She is also employed in Saraswathi Vidya Nursery and Primary School at Kasipalayam, which is nearer to her parents home. Moreover, the parents of the petitioner are aged and sick and that they could not accompany her to attend the Court hearing at Coimbatore. Hence, she prays for transfer.

4. Heard the learned counsel for the petitioner and the learned counsel for the respondent and perused the materials available on record.

5. As the respondent-husband has already been appearing before the learned Judicial Magistrate-I, Gobichettipalayam in D.V.A.No.10 of 2017 filed by the wife, it would not be prejudicial for him, if the said H.M.O.P.No.391 of 2017 is transferred to Gobichettipalayam.

6. Learned counsel for the respondent-husband submitted that the respondent-husband has got no serious objection for transferring the said H.M.O.P from Coimbatore to Gobichettipalayam.

7. Considering the submission made by the learned counsel for the petitioner and as the respondent has got no serious objection in transferring the petition to the Sub Court, Gobichettipalayam, this Tr.C.M.P is allowed and H.M.O.P.No.391 of 2017, pending on the file of the Principal Family Court, Coimbatore is withdrawn and transferred to the file of Sub Court, Gobichettipalayam. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

srn

To

1. The Principal Family Court, Coimbatore
2. The Sub Court, Gobichettipalayam

+1 cc to Mr.R.Bharath Kumar Advocate sr 19467

+1 cc to Mr.P.M.Duraisamy Advocate sr 18707

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