

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.01.2018

CORAM

THE HONOURABLE Mrs. JUSTICE PUSHPA SATHYANARAYANA

Tr.C.M.P.No.990 of 2017
and
C.M.P.No.20012 of 2017

Mrs.C.Ranjini

...

Petitioner

Versus

Mr.G.Stalin Alponse

...

Respondent

Prayer: Petition filed under Section 24 of the Civil Procedure Code praying to withdraw and transfer D.O.P.No.7 of 2017 on the file of learned District District Judge Court, Nilgiris, Ootacamund and transfer the same to learned Family Court at Coimbatore.

For Petitioner : Mr.T.Elumalai
For Respondent : Mr.D.Shivakumaran

O R D E R

This Transfer Civil Miscellaneous Petition has been filed by the petitioner/wife seeking to withdraw D.O.P.No.7 of 2017 from the file of learned District District Judge Court, Nilgiris, Ootacamund and transfer the same to learned Family Court at Coimbatore.

2.In the affidavit filed in support of this petition, it is stated that the marriage between the petitioner and the respondent was solemnized on 28.10.2009 and out of the wedlock one male child was born to them. Due to the torture faced by the petitioner at the hands of the respondent/husband and his family members, she was forced to leave the matrimonial home and now residing in Coimbatore in her parental home. The respondent/husband has filed a petition for divorce in D.O.P.No.7 of 2017, before the District Court, Nilgiris. The petitioner herein filed G.W.O.P.No.1421 of 2017, before the Family Court, Coimbatore seeking guardianship of her child Rithvik. The petitioner further states that she is living in Coimbatore with her parents and she has no independent source of income and therefore finds it difficult to travel from Coimbatore to Ootacamund to attend the hearings in D.O.P.No.7 of

2017. Hence, she filed this transfer Civil Miscellaneous Petition seeking for the aforesaid relief.

3. Heard both sides. The learned counsel appearing for the respondent has no serious objection in transferring H.M.O.P.No.68 of 2017 pending on the file of District Court, Nilgiris, Ootacamund to Family Court, Coimbatore.

4. Considering the averments made in the affidavit filed in support of this petition and in view of the no objection stated by the learned counsel for the respondent and considering the convenience of both sides and to avoid conflicting decisions, this Court deems it fit to transfer the said D.O.P.No.7 of 2017 pending on the file of District Judge, Nilgiris, Ootacamund to the file of Family Court, Coimbatore.

5. Accordingly, this Transfer Civil Miscellaneous Petition is allowed and the proceedings pending in D.O.P.No.7 of 2017, on the file of District Court, Nilgiris, Ootacamund is withdrawn and transferred to the file of Family Court, Coimbatore to try along with G.W.O.P.No.1421 of 2017. No costs. Consequently, connected Miscellaneous Petition is closed.

-s/d-

Assistant Registrar(CS-IV)

True Copy

Sub-Assistant Registrar

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To

1. The District Court, Nilgiris, Ootacamund.
2. The Family Court, Coimbatore.

+1 CC to Mr.Elumalai, Advocate sr 5014.
+1 CC to Mr.D. Shivakumar, advocate sr 4988.

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Tr.C.M.P.No.990 of 2017

PA(CO)
SP(23/02/2018)