

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED 03.12.2018

CORAM:
THE HONOURABLE MR. JUSTICE R. PONGIAPPAN

Transfer CMP. No.727 of 2018
and C.M.P.No. 17800 of 2018

N.S.Swathee

..Petitioner

Vs

Yogeshkumar

..Respondent

PRAYER: Transfer Civil Miscellaneous Petition filed under Section 24 of the Code of the Civil Procedure to withdraw the case in F.C.O.P.No.129 of 2018, pending of the file of the Family Court, Namakkal and to transfer the same to the file of the Family Court at Coimbatore.

For Petitioner : Mr.M.Murali

For Respondent : Mr.C.Jagadish for Mr.S.Senthil

O R D E R

This Petition is filed to withdraw the case F.C.O.P.No.129 of 2018 pending on the file of the Family Court, Namakkal and to transfer the same to the file of the Family Court at Coimbatore.

2. The petitioner is the wife and the respondent is the husband. The marriage between the petitioner and the respondent was conducted on 20.02.2013 at N.R.L. Tirumana Mandapam, Namakkal, as per the Hindu Rites and Customs. Prior to the marriage, the respondent was employed at London, and after completing the marriage both of them went to London and set up the matrimonial home in London. In London the petitioner got conceived, the mother of the petitioner has been asked to come to London to take care of the petitioner. Subsequently, on 16.05.2014 the petitioner gave birth to one female child viz., Prakasha, and after gave birth to said Prakasha the petitioner and her mother had returned to India in the month of july 2014. Thereafter, for the reason best known him the respondent is not willing to live with the petitioner, further the respondent filed a petition against the petitioner under Section 9 of the Hindu Marriage Act, for the relief of restitution of Conjugal Rights. As of now, the said petition was pending with the Family Court, Namakkal, in F.C.O.P.No.129 of 2018.

3. In the mean time, after the separation from the respondent, the petitioner joined in a three years Diploma Nursing Course at R.V.S. School of Nursing at Coimbatore. Further, she admitted her young child in MDN future school, Sulur at Coimbatore. In the said circumstances, the petitioner approacher this Court for the relief stated in the 1st paragraph of this order.

4. According to the petitioner, the distance between the Namakkal and Coimbatore is about 200 Kilo Meters and being a lady, it is very difficult for her to go to Namakkal for attending the Court proceedings. Further, she is not having any independent income and she is depending on her parents for her day to day expenses and travelling expenses. Therefore, transferring the F.C.O.P.No.129 of 2018 pending on the file of the Family Court, Namakkal, to the Family Court, Coimbatore, is convenient for the petitioner in attending the Court proceedings at Coimbatore.

5. The learned counsel appearing for the respondent filed a counter in which, he denied the allegation levelled against him by the petitioner. However, in para NO.11 he has stated that he is not having any objection in allowing the petition.

6. Therefore, considering the fact that, the respondent is not having any objection for allowing this petition. The petition filed by the petitioner is allowed.

7. Accordingly, this Transfer Civil Miscellaneous Petition is ordered. The petition is F.C.O.P.No.129 of 2018 is ordered to be withdrawn from the file of the Family Court, Namakkal and transferred to the file of the Family Court, Coimbatore. The learned Judge, the Family Court, Namakkal is directed to transmit all the records pertaining to F.C.O.P.No.129 of 2018 to the file of the Family Court, Coimbatore within a period of 2 weeks from the date of receipt of copy of this order. On receipt of records, the learned Principal Judge, Family Court, Coimbatore is directed to dispose the case as expeditiously as possible, within a period of four months, from the date of receipt of copy of this order. No costs. Consequently, the connected Civil Miscellaneous Petition is closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

sbn

To

1.The Principal Judge,
Family Court,
Namakkal.

2.The Principal Judge,
Family Court,
Coimbatore.

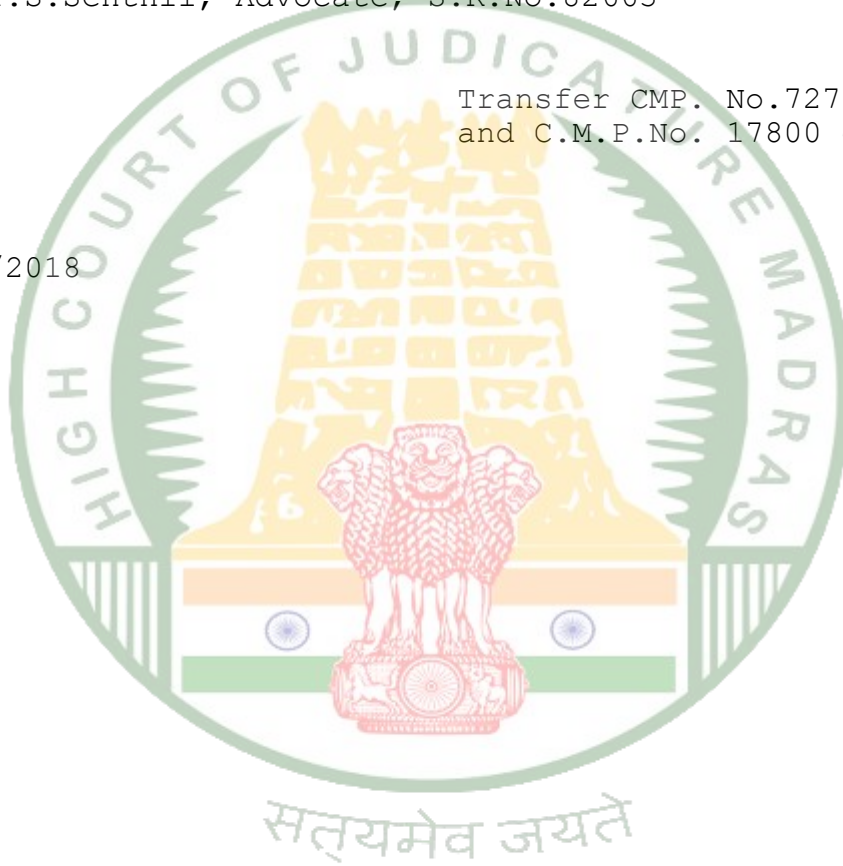
+1cc to Mr.M.Murali, Advocate, S.R.No.82863

+1cc to Mr.S.Senthil, Advocate, S.R.No.82663

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SAI (CO)

rrs 03/12/2018



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