

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.03.2019

C O R A M

THE HONOURABLE MR.JUSTICE M.GOVINDARAJ

TR.CMP.NO.105 OF 2019
AND CMP NO.3759 OF 2019

Sindhu ... Petitioner

Vs.

K.Ramesh Guru ... Respondent

PRAYER:

Petition filed under Section 24 of the Civil Procedure Code to withdraw the proceedings in HMOP No.78 of 2018 pending before the Subordinate Court, Sathyamangalam and to transfer the same to the Principal Family Court, Coimbatore.

For Petitioner : Mr.V.S.Usha Rani

O R D E R

This Transfer Civil Miscellaneous Petition is filed by the petitioner seeking to withdraw HMOP No.78 of 2018 from the file of Subordinate Court, Sathyamangalam and to transfer the same to the file of Principal Family Court, Coimbatore.

2. The petitioner is the wife. The respondent / husband filed a petition for divorce before the Sub Court, Sathyamangalam. Whereas, the petitioner / wife filed a maintenance case before the Family Court, Coimbatore. The address of petitioner / wife was shown as Coimbatore even in the petition filed by the respondent / husband for divorce. Now that the petitioner / wife approached this Court seeking transfer of the case from Sub Court, Sathyamangalam to Principal Family Court, Coimbatore, on the ground that it is very difficult for her to travel long distance from Coimbatore to Sathyamangalam along with her 2 1/2 years old minor child. On the basis of the physical as well as financial hardship, she seeks transfer of the petition filed by her husband from Sub Court, Sathyamangalam to Principal Family Court, Coimbatore.

3. Despite service of notice, the respondent has not chosen to appear before this Court.

4. Considering the submissions made by the learned counsel for the petitioner that the petitioner has 2 1/2 years old minor child and that it is very difficult for her to travel a long distance to attend the case for every hearing, this Court is inclined to transfer the divorce petition filed by the respondent / husband.

5. Accordingly, H.M.O.P.No.78 of 2018 pending on the file of Sub Court, Sathyamangalam, is withdrawn and transferred to Principal Family Court, Coimbatore, to be tried along with MC No.11 of 2019 pending on the file of the same Court. A direction is issued to the Principal Family Coimbatore to renumber the divorce petition, issue notice to both the parties and continue the proceedings from where it stands and dispose of both the petitions, as expeditiously as possible.

6. The Transfer Civil Miscellaneous Petition is disposed of accordingly. No costs. Consequently, connected civil miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

TK

To

1. The Subordinate Judge,
Sathyamangalam.
2. The Principal Family Judge,
Coimbatore.

+1cc to Mr.V.S.Usha Rani, Advocate, S.R.No.20692

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GJII(CO)
CS/01/04/2019