

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:11.04.2019

CORAM:

THE HONOURABLE MR.JUSTICE M.GOVINDARAJ

Tr.CMP.No.127 of 2019

and

C.M.P.No.4278 of 2019

Methelinmary.A

... Petitioner

Vs.

Charles William

... Respondent

PRAYER: Transfer Civil Miscellaneous petitions filed under section 24 of the Civil Procedure Code, praying to withdraw and transfer I.D.O.P.no.80 of 2018 on the file of Principal District Court, Erode to be tried along with the I.D.O.P.No.1654 of 2018 on the file of Family Judge, Coimbatore.

For petitioner : Mr.S.Mukunth

For Respondent : No Appearance

O R D E R

This petition is filed by the petitioner seeking to withdraw and transfer I.D.O.P.no.80 of 2018 on the file of Principal District Court, Erode to be tried along with the I.D.O.P.No.1654 of 2018 on the file of Family Judge, Coimbatore.

2. The petitioner is the wife. The respondent / husband filed a petition for divorce before the Principal District Court, Erode. The petitioner / wife filed a petition for restitution of conjugal rights before Family Court, Coimbatore. Admittedly, the petitioner is a resident of Coimbatore.

3. Allegations in the petition filed by the husband for divorce reveals that the petitioner / wife is suffering from physical ailment and that by supressing the ailments, the parents of the wife have solemnised their marriage. The divorce petition came to be filed with specific allegations relating to the physical ailments and with such ailments, she cannot travel long distances and it will cause severe physical and mental hardship to the wife. Considering the physical hardship caused to the wife, this Court considers it a fit case for transfer.

4. Accordingly, I.D.O.P.NO.80 of 2018 pending on the file of Principal District Court, Erode is withdrawn and transferred to Family Court, Coimbatore to be tried along with I.D.O.P.No.1654 of 2018 filed by the wife before the same Court. The learned Judge is directed to renumber the petition, issue notice to the parties and dispose of the same as expeditiously as possible.

5. The Transfer Civil Miscellaneous Petition is disposed of with the above directions. Consequently, connected miscellaneous petition is closed.

sd/
ASSISTANT REGISTRAR

/TRUE COPY/

SUB-ASSISTANT REGISTRAR

bkn

To

1. The Principal District Court,
Erode.

2. The Family Court,
Coimbatore.

+1CC to M/S.Sarvabhauman Associates Advocate SR.NO.36051

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RK[CO]
MK:08/06/2019

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