

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 26.06.2019

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

Tr. C.M.P. No.304 of 2019
and C.M.P. No.8763 of 2019

S.Banupriya

... Petitioner

-vs-

S.Chelladurai

... Respondent

Prayer: Petition filed under Section 24 of C.P.C to withdraw the F.C.O.P. No.20/2019 on the file of the Family Court at Erode and transfer the same to the Family Court at Coimbatore or any other Court having jurisdiction at Coimbatore.

For Petitioner : Ms.S.Suseela Devi

For Respondent : Mr.M.Guruprasad

O R D E R

The Transfer C.M.P. has been filed to transfer the F.C.O.P. No.20 of 2019 pending on the file of the Family Court, Erode to the file of the Family Court, Coimbatore.

2.Learned counsel appearing for the petitioner would submit that the marriage between the petitioner and the respondent was solemnised on 23.11.2017, as per Hindu rites and customs. Due to matrimonial disputes arose between themselves, the petitioner filed a petition under the Domestic Violence Act against the respondent and his mother on the file of the Judicial Magistrate No.I, Coimbatore vide D.V.A.C. No.31 of 2018. In order to harass the petitioner, the respondent has filed the F.C.O.P. No.20 of 2019 before the Family Court, Erode. According to the learned counsel appearing for the petitioner, since the petitioner has to travel from Coimbatore to Erode which comes around 120 k.ms, she finds it difficult in attending the Court regularly. Therefore, if the F.C.O.P. No.20 of 2019 is transferred to the file of the Family Court, Coimbatore, no prejudice will be caused to the respondent.

3.Learned counsel appearing for the respondent would submit that the respondent has been running a Pharmacy at Erode and therefore, it is difficult for him to close down the shop every time to attend the hearing before the Family Court, Coimbatore.

4.Since the respondent has not chosen to seek transfer of the pending D.V.A.C. No.31 of 2018 from the file of the Judicial Magistrate No.I, Coimbatore to any other competent Court at Erode, the respondent is bound to appear before the Judicial Magistrate No.I, Coimbatore for the hearing of the D.V.A.C. Hence, the Tr.C.M.P. is allowed and the F.C.O.P. No.20 of 2019 pending on the file of the Family Court, Erode is withdrawn and transferred to the file of the Family Court, Coimbatore.

5.The Family Court, Coimbatore is directed to take up the case and dispose of the same expeditiously in the manner known to law. No costs. Consequently, C.M.P. No.8763 of 2019 is closed.

Sd/-
Deputy Registrar (CJ Conf.,)

//True Copy//

Sub Assistant Registrar

vga

To

1. The Family Court,
Erode.
2. The Family Court,
Coimbatore.

+1 cc to M/s.S.Suresh, Advocate, S.R.No.52771

+1 cc to M/s.M.Guruprasad, Advocate, S.R.No.52925

Tr. C.M.P. No.304 of 2019
and C.M.P. No.8763 of 2019

PA(CO)
SSM(26/07/2019)

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