



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17.07.2019

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

Tr.C.M.P.No.412 of 2019

Jothi Prabha
W/o S.Boopalan

.. Petitioner/Respondent

-vs-

S.Boopalan

.. Respondent/Petitioner

Transfer Civil Miscellaneous Petition filed under Section 24 of the Code of Civil Procedure to withdraw the F.C.O.P.No.1285 of 2019 pending before the Principal Judge, Family Court at Chennai and transfer the same to the Additional Family Court at Coimbatore.

For Petitioner :: Mr.P.Sureshbabu

For Respondent :: No appearance

ORDER

Mrs.Jothi Prabha, Wife of S.Boopalan, the respondent herein has come to this Court seeking an order for withdrawal of the F.C.O.P.No.1285 of 2019 from the file of the learned Principal Judge, Family Court, Chennai and for transfer of the same to the file of the Additional Family Court at Coimbatore.

2. Learned counsel for the petitioner submitted that due to the strained relationship between the petitioner and the respondent, the petitioner filed H.M.O.P.No.72 of 2019 in the month of January, 2019 seeking divorce on the ground of cruelty before the Additional Family Court, Coimbatore. But there has been a violent behaviour from the respondent/husband. The respondent also has filed F.C.O.P.No.1285 of 2019 under Section 9 of the Hindu Marriage Act for restitution of conjugal rights before the Family Court at Chennai. As the petitioner wants to contest the F.C.O.P.No.1285 of 2019, the same may be transferred to be tried along with H.M.O.P.No.72 of 2019.

3. Although the respondent has been served, no one has appeared. That shows that the respondent has no objection for allowing this transfer civil miscellaneous petition.



4. As the distance is about 500 kms., from Coimbatore to Chennai, this Court, finding that it will not be safe for the petitioner, aged about 25 years, to undertake a long journey, is inclined to allow the prayer of the petitioner. Therefore, the F.C.O.P.No.1285 of 2019 is withdrawn from the file of the learned Principal Judge, Family Court, Chennai and transferred to the file of the learned Additional Family Court Judge, Coimbatore to be tried along with H.M.O.P.No.72 of 2019 on merits. Accordingly, Tr.C.M.P.No.412 of 2019 stands allowed. Consequently, C.M.P.No.11140 of 2019 is closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

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To

1. The Principal Judge
Family Court
Chennai
2. The Judge,
Additional Family Court,
Coimbatore

+1cc to Mr.P.Sureshbabu, Advocate sr.60540

Tr.C.M.P.No.412 of 2019

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nr 26/08/2019