

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 20.11.2019

Coram

THE HON'BLE MRS.JUSTICE BHAVANI SUBBAROYAN

Tr.C.M.P.No.480 of 2019

and

C.M.P.No.13522 of 2019

Gilara

...Petitioner

Vs.

Tricous Paulraj

...Respondent

PRAYER:

Transfer Civil Miscellaneous Petition is filed under Section 24 of Cr.P.C., to withdraw and transfer the petition in DOP. No.261 of 2018, on the file of the Principal District Court, Coimbatore to be tried along with M.C.No.243 of 2018, on the file of the Principal Family Court, Coimbatore.

For Petitioner : Mr.T.R.Gayathri
M/s.Sarvabhauman Associates

For Respondent : Notice served - No appearance

O R D E R

This Transfer Civil Miscellaneous Petition has been filed by the petitioner to withdraw and transfer the petition in DOP. No.261 of 2018, on the file of the Principal District Court, Coimbatore to be tried along with M.C.No.243 of 2018, on the file of the Principal Family Court, Coimbatore.

2. The respondent and the petitioner are husband and wife. The marriage between the petitioner and the respondent was solemnized on 10.02.2017 at C.S.I. St.Mathews Church, East Tambaram, Chennai as per Christian rites and customs. After marriage, the petitioner was living in her matrimonial house at Chennai. The respondent is working in an I.T. Company and earning a sum of Rs.75,000/- The respondent and his mother demanded dowry from the petitioner. When the petitioner refused the same, the respondent abused her in filthy language. Having no other option, the petitioner has come out of the matrimonial home and now she is living with her parental home. The Petitioner has filed a maintenance case in M.C.No.243 of 2017

before the Family court, Coimbatore and also she has filed a petition in DOP. No.333 of 2017 before the District Court, Coimbatore for restitution of conjugal rights. As a counter blast , the respondent has filed a petition in DOP. No.25 of 2018 before the Family Court, Chengalpet for dissolution of marriage. The petition has already been filed a petition in Tr.CMP.No.480 of 2018 before this Court for transferring the petition filed by the husband to the District Court, Coimbatore and the same was transferred and renumbered as DOP. No.261 of 2018. Both the petitions are now pending before the District Court, Coimbatore. Hence, the petitioner seeks transfer of both the cases in DOP. Nos.333 of 2017 and 261 of 2018 pending on the file of the District Court, Coimbatore to the file of the Family Court, Coimbatore.

3. The learned counsel for the petitioner would submit that the maintenance case filed by the petitioner is pending before the Family Court, Coimbatore. The petitions in DOP. Nos.333 of 2017 and 261 of 2018 are now pending on the file of the District Court, Coimbatore. The petitioner is attending the above said cases at two different Courts. She has to travel around 50 KMs. for attending the Court proceedings. Due to the financial position of the petitioner, it will be very difficult for her to attend the Court. Hence, the petitioner seeks transfer of the cases from District court, Coimbatore to Family court, Coimbatore.

4. This Court ordered notice on several occasions to the respondent through court as well as privately. The same was returned as ''refused''. However, the petitioner is not appeared either in person or through his counsel before this Court. Hence, this Court is inclined to dispose of the matter on merits and in accordance with law.

5. Heard the learned counsel for the petitioner and perused the materials available on record. None appeared on behalf of the respondent.

6. It could be seen from the records that the petitioner and the respondent are husband and wife. There was a misunderstanding between them. Due to which, they were living separately and they have filed two different petitions at two different places.

7. Considering the convenience of the petitioner, in order to avoid conflicting judgments and none appears on behalf of the respondent, this Court is inclined to transfer the petitions from District Court, Coimbatore to Family Court, Coimbatore.

8. Accordingly, the petition DOP. Nos.333 of 2017 and 261 of

2018 pending on the file of the District Court, Coimbatore is withdrawn and transferred to the file of the Family Court, Coimbatore, to be tried along with M.C.No.243 of 2018.

9. In the result, the Transfer Civil Miscellaneous Petition is allowed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

To

1. The District Court, Coimbatore.

2. The Family Court, Coimbatore.

+1cc to M/s.Sarvabhauman Associates, Advocate, S.R.No.96989

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PPA(CO)
CS/20/01/2020