

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 13.09.2019

CORAM

THE HONOURABLE MRS.JUSTICE V.BHAVANI SUBBAROYAN

Tr.C.M.P.No.16 of 2018
and C.M.P.No.426 of 2018

Devi

..Petitioner

Vs.

Jayakumar

...Respondent

Prayer: The Transfer Civil Miscellaneous Petition is filed under Section 24 of Civil Procedure Code, to withdraw the petition in FCOP. No.272 of 2017 on the file of the Family Court, Erode and to transfer the same to file of the Sub Court, Kallakurichi.

For Petitioner : Mr.N.Ramesh

For Respondent : Mr.A.Prakash

O R D E R

This petition has been filed to withdraw the petition in FCOP. No.272 of 2017, on the file of the Family Court, Erode and to transfer the same to file of the Sub Court, Kallakurichi.

2. The case of the petitioner is that the marriage between the petitioner and the respondent was solemnized on 06.06.2008 at Siddi Vinayakar Koil, Railway Colony, Erode Town as per Hindu Rites and customs. The petitioner is qualified as Electropathy Doctor and the respondent is working as Co-operative Sub-Registrar. After the marriage, the couple was residing at the respondent's house. Out of the wedlock, two children were born and now they are going to school.

3. On 18.06.2017, the respondent sent out the petitioner from the matrimonial home without any valid reason. The petitioner has lodged a complaint before the police and on counselling by the police, the petitioner was asked to stay at Kallakurichi with her parents till the respondent set up a separate house. In the meantime, the respondent has filed a petition for divorce in FCOP. No.272 of 2017 before the learned Family Court, Erode. Subsequently, the petitioner has filed a

petition under Section 9 of Hindu Marriage Act in HMOP. No.167 of 2017 for restitution of Conjugal Rights before the Sub Court, Kallakurichi.

4. This transfer civil miscellaneous petition has been filed by the petitioner/wife before this Court for transferring FCOP. No.272 of 2017, on the file of the Family Court, Erode and to be transferred the same to file of the Sub Court, Kallakurichi.

5. The learned counsel for the petitioner would submit that the petitioner is living with her parents at Kallakurichi and she have to travel nearly 170 kms. from Kallakurichi to Erode to attend the Court proceedings. Now the petitioner has no job and she has no means to maintain all the expenses. Hence, the learned counsel seeks to transfer FCOP. No.272 of 2017, from the file of the Family Court, Erode to the file of the Sub Court, Kallakurichi.

6. The learned counsel for the respondent would submit that it will be very difficult for the respondent to travel from Erode to Kallakurichi. Because he has to take care of his aged parents.

7. Heard the learned counsel for the petitioner as well as the respondent and perused the materials available on record.

8. Considering the facts and circumstances of the case, this Court is inclined to transfer the proceedings pending on the file of the Family Court, Erode to the file of the Sub Court, Kallakurichi.

6. Accordingly, this petition is allowed and the FCOP. No.272 of 2017 pending on the file of the Family Court, Erode is withdrawn and transferred to the file of the Sub Court, Kallakurichi. No Costs. Consequently, the connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

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To

1. The Family Court, Erode.

2. The Sub Court, Kallakurichi.

+1cc to M/s.N.Ramesh, Advocate sr.79491

+1cc to Mr.A.Prakash, Advocate sr.79239

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nr 19/11/2019