

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.08.2019

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

Tr.C.M.P.No.493 of 2019

Varshini
D/o Sukumar

.. Petitioner/Respondent

-vs-

Sathishkumar
S/o Govindaraj

.. Respondent/Petitioner

Transfer Civil Miscellaneous Petition filed under Section 24 of the Code of Civil Procedure to withdraw the F.C.O.P.No.168 of 2019 pending before the Family Court at Erode and transfer the same to the Principal Family Court at Coimbatore.

For Petitioner :: Mr.P.Sureshbabu

For Respondent :: Mr.B.Ramamoorthy

ORDER

This transfer civil miscellaneous petition has been filed by Mrs.Varshini seeking an order to withdraw the F.C.O.P.No.168 of 2019 filed by the respondent/husband for restitution of conjugal rights under Section 9 of the Hindu Marriage Act from the file of the Family Court at Erode and transfer the same to the Principal Family Court at Coimbatore, wherein the H.M.O.P.No.623 of 2019 filed by the petitioner seeking divorce under Section 13 (1)(ia) of the Hindu Marriage Act is pending, so that both the matters can be tried together.

2. The reason cited by the learned counsel for the petitioner for transfer shows that when the petitioner is having two male children, namely, Thanvin and Thanvanth, who are aged about 8 and 6 years respectively, staying with the petitioner and pursuing their studies at Coimbatore, taking these two children to Erode to attend every day's hearing would be causing huge inconvenience not only to the petitioner, but also to these two children. Secondly, the distance between Erode and Coimbatore is about 150 kms., which would also put the children to turmoil, when there is no other person to take care of them.

3. Although the learned counsel for the respondent opposed the transfer plea, when the petitioner is having two male children, namely, Thanvin and Thanvanth aged about 8 and 6 years respectively and the distance between Erode and Coimbatore is about 150 kms., it is fit and proper to accept the prayer for transfer. Accordingly, the F.C.O.P.No.168 of 2019 filed under Section 9 of the Hindu Marriage Act for restitution of conjugal rights is withdrawn from the file of Family Court, Erode and transferred to the Principal Family Court at Coimbatore. The transfer civil miscellaneous petition stands allowed. Consequently, C.M.P.No.13713 of 2019 is closed.

Sd/-
Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

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To

1. The Family Court Judge
Erode

2. The Principal Family Court Judge
Coimbatore

+1cc to Mr.P.Sureshbabu, Advocate sr.70049

Tr.C.M.P.No.493 of 2019

nr 11/10/2019