

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 01.11.2019

Coram

THE HON'BLE MRS. JUSTICE V.BHAVANI SUBBAROYAN

Tr.C.M.P.No.696 of 2019
and
C.M.P.No.19741 of 2019

N.Angaleeswari

...Petitioner

Vs.

S.Janakiram

...Respondent

PRAYER: Transfer Civil Miscellaneous Petition is filed under Section 24 of Cr.P.C., to withdraw the case in HMOP. No.1088 of 2019 on the file of the Additional Family Court, Coimbatore and to transfer the same to the Sub Court, Udumalpet.

For Petitioner : Mr.D.Arun Kumar

For Respondent : Ms.S.Sengodi
For Mr.S.Rajanikanth

O R D E R

This Transfer Civil Miscellaneous Petition has been filed by the petitioner seeking to withdraw the case in HMOP. No.1088 of 2019 on the file of the Additional Family Court, Coimbatore and to transfer the same to the Sub Court, Udumalpet.

2. The case of the petitioner is that the respondent and the petitioner are the husband and wife. The marriage between the parties was solemnized on 22.10.2007 at Balaji Mandapam, Sulthanpet. After the marriage, the respondent and his family members had harassed the petitioner without any reason and also they demanded dowry from the petitioner. Due to which, the petitioner has lodged a complaint before the All Women Police Station, Pollachi on 05.07.2019. Thereafter, the respondent and his family members has threatened the petitioner to withdraw the

complaint against them. Further the petitioner has lodged a complaint before the All Women Police Station for safeguarding her life. Due to the misunderstanding, the petitioner has filed a petition for divorce in HMOP. No. 197 of 2018 on the file of the Sub Court, Udumalpet. Thereafter, the respondent has filed a petition for restitution of conjugal rights in HMOP. No.1088 of 2019 before the Additional Family Court, Coimbatore. The petitioner/wife is a resident of Tiruppur District. Hence, she seeks transfer of the case filed by the husband from Coimbatore to Udumalpet.

3. The learned counsel for the petitioner would submit that the the petitioner is residing in her parental home at Tiruppur. The petitioner is depending upon her parents for her livelihood. Only to harass the petitioner, the respondent has filed a petition before the Court at Coimbatore. It is very difficult for her to travel alone from Tiruppur to Coimbatore to attend the court proceedings. Hence, the petitioner came this Court by way of this petition, seeks transfer of the case pending before the Additional Family Court, Coimbatore to the file of the Sub Court, Udumalpet.

4. The learned counsel appearing for the respondent would submit that the respondent has denied all the allegations made by the petitioner and he has no objection to transfer the case to Udumalpet. The learned counsel prays this Court to dismiss this case.

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

6. It is seen from the records that the petitioner and the respondent are the husband and wife and due to the misunderstanding between them, they have filed two different cases at two different places.

7. Considering the convenience of the parties and in order to avoid conflicting judgments being passed, this Court is inclined to withdraw the case in HMOP. No.1088 of 2019 on the file of the Additional Family Court, Coimbatore and to transfer the same to the Sub Court Udumalpet, to try along with the petition in HMOP. No.197 of 2018.

8. Accordingly, HMOP. No.1088 of 2019, on the file of the Additional Family Court, Coimbatore is to be withdrawn and transferred to the file of the Sub Court, Udumalpet, to be tried along with the petition in HMOP. No.197 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

rli

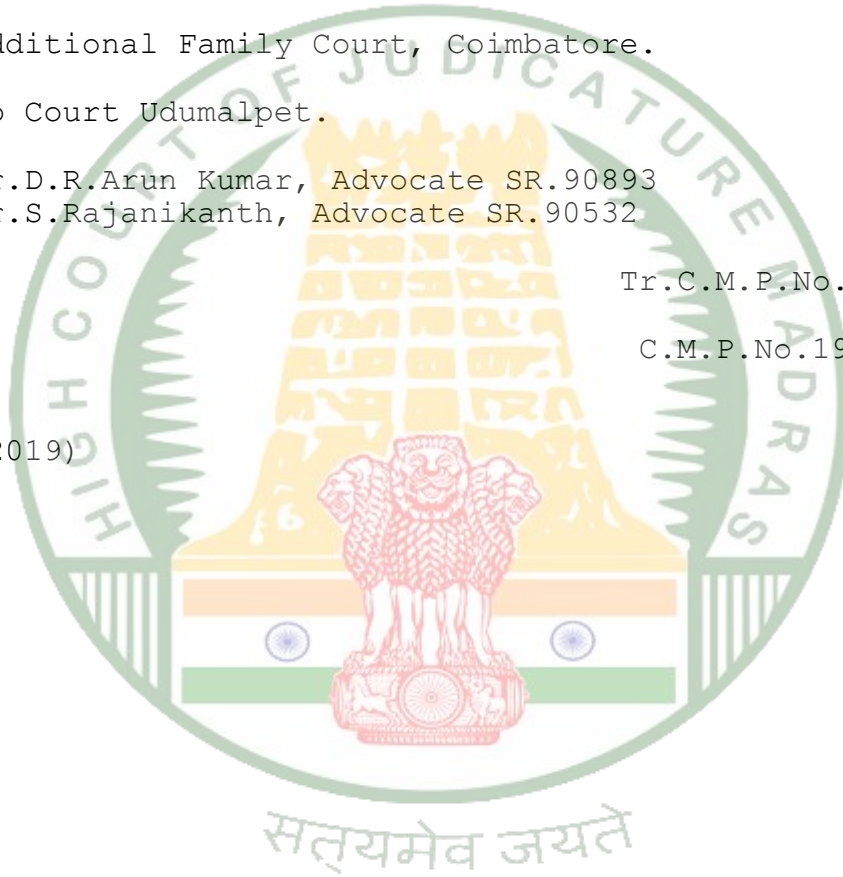
To

1. The Additional Family Court, Coimbatore.
2. The sub Court Udumalpet.

+1cc to Mr.D.R.Arun Kumar, Advocate SR.90893
+1cc to Mr.S.Rajanikanth, Advocate SR.90532

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RSI (CO)
CB(16/12/2019)



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