



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:27.04.2019

CORAM:

THE HONOURABLE MR.JUSTICE M.GOVINDARAJ

Tr.CMP.Nos.700 of 2018
and
C.M.P.No.17359 of 2018

Sudha ... Petitioner

Vs.

S.Suresh ... Respondent

PRAYER: Transfer Civil Miscellaneous petitions filed under section 24 of the Civil Procedure Code, praying to withdraw the H.M.O.P.No.940 of 2017 on the file of I Additional Family Court, Chennai and transfer the same to the Additional Family Court, Coimbatore.

For petitioner : Mr.M.Senthilkumar

For Respondent : No Appearance

O R D E R

This petition is filed by the petitioner seeking to withdraw the H.M.O.P.No.940 of 2017 on the file of I Additional Family Court, Chennai and transfer the same to the Additional Family Court, Coimbatore.

2. The petitioner is the wife. The wife filed a petition for divorce before Additional Family Court, Coimbatore. The respondent / husband filed a petition for restitution of conjugal rights before I Additional Family Court, Chennai. Now, the wife seeks transfer of petition filed by husband before I Additional Family Court, Chennai to Additional Family Court, Coimbatore to be tried along with petition filed by her.

3. Despite the service of notice, the respondent has not chosen to appear before the Court either in person or through Counsel.



4. Admittedly the petitioner is residing in Coimbatore and she finds it difficult to travel from Coimbatore to Chennai for every hearing of the case. Considering the physical hardship caused to the petitioner as well as to avoid multiplicity of proceedings, this Court is inclined to transfer the petition filed by husband from Chennai to Coimbatore. Accordingly, H.M.O.P.No.940 of 2017 pending on the file of I Additional Family Court, Chennai is withdrawn and transferred to Additional Family Court, Coimbatore to be tried along with H.M.O.P.No.784 of 2018. The learned Judge is directed to renumber the petition, issue notice to the parties and dispose of the case as expeditiously as possible.

5. The transfer civil miscellaneous petition is ordered, accordingly. No costs. Consequently, connected civil miscellaneous petition is closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

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To

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

+1cc to Mr.G.Ganapathy, Advocate sr.41515

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nr 04/09/2019