

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.02.2019

C O R A M

THE HONOURABLE MR.JUSTICE M. GOVINDARAJ

TR.CMP.NO.838 OF 2018

AND

CMP NO.20787 OF 2018

Bharathi ...Petitioner/Respondent

Vs.

Praveenkumar ...Respondent/Petitioner

PRAYER: Petition filed under Section 24 of the Civil Procedure Code to withdraw the petition in H.M.O.P.No.193 of 2017 on the file of the Sub Court, Perambalur and transfer the same to the Sub Court, Mettupalayam to be tried along with H.M.O.P.No.99 of 2018 for joint trial.

For Petitioner : Mr.S.Gunalan

For Respondent : Mr.R.Bharathkumar

सत्यमेव जयते
O R D E R

The petitioner/wife filed this petition seeking to withdraw and transfer H.M.O.P.No.193 of 2017 pending on the file of the Sub Court, Perambalur, to the Sub Court, Mettupalayam, to be tried along with H.M.O.P.No.99 of 2018.

2. The respondent / husband filed H.M.O.P.No.193 of 2017 seeking divorce, before the Sub Court, Perambalur. The petitioner / wife filed H.M.O.P.No.99 of 2018, before the Sub Court, Mettupalayam, seeking restitution of conjugal rights.

3. The petitioner is residing at Mettupalayam, which is evident even from the divorce petition filed by the respondent.

Now that the petitioner is taking care of her seven year old child and her aged parents. It caused physical and mental hardship to her to travel all the way from Mettupalayam to Perambalur, which is more than 200 kms away from her residence, to contest the case in H.M.O.P.No.193 of 2017. Whereas, the respondent would contend that he is suffering from spinal cord injury and the Doctor advised him not to travel long distance.

4. The learned counsel for the respondent / husband would submit that at present, the husband is residing at Palladam. In that event, travelling to a nearby Court will be convenient for him rather than travelling to Perambalur to contest the case. The learned counsel would further submit that the matter may be transferred either to Tiruppur or Erode.

5. However, this Court is of the considered view that if the case is transferred either to Tiruppur or Erode, the petitioner / wife will be put to further hardship to travel a long distance from Mettupalayam to Tiruppur or Erode. But, on the other hand, by transferring the case to a nearest Court, the hardship caused to both sides will be reduced.

6. Considering the facts and circumstances of the case, this Court is of the considered opinion that the case can be transferred to any Family Court at Coimbatore, which is equal distance for both sides. Accordingly, H.M.O.P.No.193 of 2017 filed by the husband, pending on the file of Sub Court, Perambalur as well as H.M.O.P.No.99 of 2018 filed by the wife, pending on the file of Sub Court, Mettupalayam are withdrawn from the respective Courts and transferred to Family Court, Coimbatore. A direction is issued to the Family Court, Coimbatore, to conduct joint trial, if feasible, and dispose of both the petitions, as expeditiously as possible. The appearance of the parties is dispensed with, except for trial.

7. The Transfer Civil Miscellaneous Petition is disposed of accordingly. No costs. Consequently, connected civil miscellaneous petition is closed.

TK

Sd/-
Assistant Registrar (CO)

//True Copy//

Sub Assistant Registrar

To
1.The Sub Court
Perambalur.

2.The Sub Court
Mettupalayam.

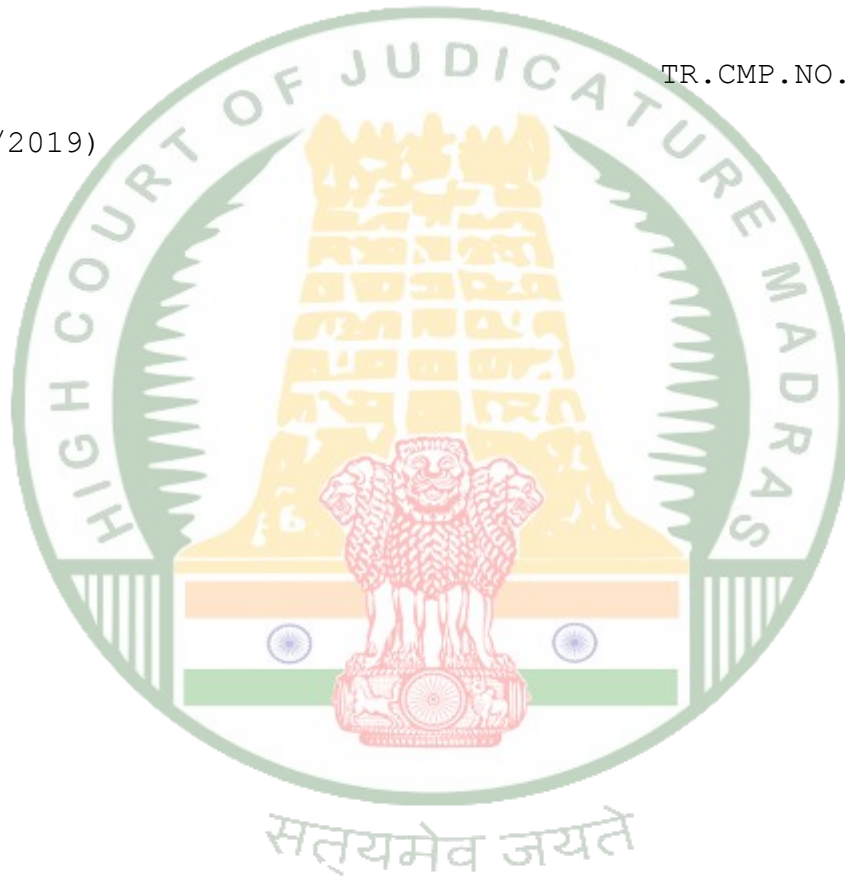
3.The Judge,
Family Court
Coimbatore.

+1cc to Mr.S.Gunalan, Advocate, S.R.No.15059

+1cc to Mr.R.Bharath Kumar, Advocate, S.R.No.15735

TR.CMP.NO.838 OF 2018

Kak (18/03/2019)



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