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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 18.06.2019

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

Tr. C.M.P. No.851 of 2018
and C.M.P. Nos.20983 of 2018

Dhanalakshmi.B.

... Petitioner

-vs-

Gopalakrishnan R.

... Respondent

Prayer: Petition filed under Section 24 of C.P.C to withdraw the H.M.O.P. No.1081 of 2018 from the file of the Family Court, Coimbatore and transfer the same to the Subordinate Court, Hosur, Krishnagiri District.

(Prayer amended vide order dated 18.06.2019
in C.M.P. No.818 of 2019)

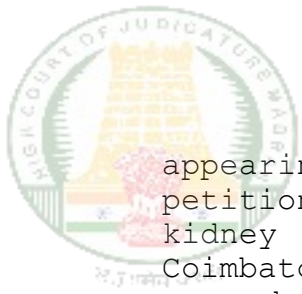
For Petitioner : Mr.K.Karthikeyan

For Respondent : Mr.S.Mukunth for
M/s.Sarvabhauman Associates

O R D E R

The Transfer C.M.P. has been filed to transfer the H.M.O.P. No.1081 of 2018 pending on the file of the Family Court, Coimbatore to the file of the Subordinate Court, Hosur, Krishnagiri District.

2.Learned counsel appearing for the petitioner would submit that the marriage between the petitioner and the respondent was solemnised on 20.01.2016, as per Hindu Rites and Customs. In support of the prayer, learned counsel appearing for the petitioner pleaded that from the date of marriage, the respondent was not interested in the matrimonial life. Due to indifferent attitude and acts of the respondent, the petitioner suffered unbearable mental agony, cruelty and torture and therefore, the petitioner filed M.C. No.955 of 2018 before the Principal Family Judge, Bangalore for dissolution of marriage. In order to further harass the petitioner, the respondent filed a petition in H.M.O.P. No.1081 of 2018 before the Family Court, Coimbatore for restitution of conjugal rights. Learned counsel



appearing for the petitioner would further submit that as the petitioner's son has underwent surgery for the functions of left kidney and she could not take leave to attend the case at Coimbatore, which is more than 400 kms. away from Bangalore, she was advised to file the petition and therefore, if the H.M.O.P. No.1081 of 2018 is transferred to the Subordinate Court, Hosur, Krishnagiri District, no prejudice will be caused to the respondent.

3.Learned counsel appearing for the respondent submitted that as the respondent is prepared to live with his wife, has moved a petition in H.M.O.P. No.1081 of 2018 before the Family Court, Coimbatore under Section 9 of the Hindu Marriage Act seeking restitution of conjugal rights. According to the learned counsel appearing for the respondent, the respondent's father, aged about 65 years, has underwent heart surgery and one of his kidneys was removed and therefore, he requires continuous attention. As the petitioner is well employed in IT Sector and having high profile career in Bangalore, she may not find difficulty in attending one case in Coimbatore and another in Bangalore.

4.Taking note of the fact that the petitioner's son, who is aged about 1½ years and under the custody of the petitioner, has been affected with a renal problem, this Court is inclined to transfer the H.M.O.P. No.1081 of 2018 pending before the Family Court, Coimbatore to the file of the Subordinate Court, Hosur, Krishnagiri District. Accordingly, the Tr. C.M.P. is allowed and the H.M.O.P. No.1081 of 2018 pending on the file of the Family Court, Coimbatore is withdrawn and transferred to the file of the Subordinate Court, Hosur, Krishnagiri District. No costs. Consequently, C.M.P. No.20983 of 2018 is closed.

Sd/-

Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

vga

To

1.The Presiding Judge,
The Family Court, Coimbatore.



2.The Subordinate Judge, Hosur,
Krishnagiri District.

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+1cc to Mr.K.Karthikeyan, Advocate sr.49767

+1cc to M/s.Sarvabhauman Associates, Advocate sr.49620

Tr. C.M.P. No.851 of 2018
and C.M.P. No.20983 of 2018

ssd(co)
nr 18/09/2019