

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.03.2019

C O R A M

THE HONOURABLE MR.JUSTICE M.GOVINDARAJ

TR C.M.P. No.901 of 2018
and
C.M.P.No.22245 of 2018

S.Pathumai

... Petitioner

Vs.

T.Haribabu

... Respondent

PRAYER:

Transfer Civil Miscellaneous Petition filed under Section 24 of C.P.C., to withdraw the F.C.O.P.No.367 of 2018 pending on the file of the Family Court, Salem and transfer the same to Family Court, Coimbatore.

For Petitioner : Mr.R.Marudhachalamurthy

For Respondent : Mr.C.S.Saravanan

O R D E R

This Transfer Civil Miscellaneous Petition has been filed seeking transfer of F.C.O.P.No.367 of 2018 pending on the file of the Family Court, Salem to the file of Family Court, Coimbatore.

2. Respondent and petitioner are husband and wife. The respondent/husband filed a petition in F.C.O.P.No.367 of 2018 for restitution of conjugal rights before the Family Court, Salem. The petitioner/wife is an ordinary resident of Coimbatore. This Court, considering the relationship aspect between the husband and wife, directed to appear before the Mediation and Conciliation Centre, High Court, Madras. Even though, the petitioner/wife appeared for hearing before the Mediation and Conciliation Centre, High Court, Madras, the respondent/husband has not chosen to appear. Hence, the matter is posted today for orders.

3. Considering the facts and circumstances of the case, it is clear that the respondent is a resident of Coimbatore and it is evident from the petition filed by the husband in H.M.O.P.No.367 of 2018 itself. The petitioner/wife would submit that she is not in a position to travel from Coimbatore to Salem for every hearing without any support. Further her old age parents cannot accompany her to travel. Therefore, she seeks transfer of the petition filed by her husband before the Family Court, Salem to Family Court, Coimbatore.

4. Considering the physical hardship and safety aspect of the petitioner/wife, this Court is inclined to transfer the petition. Accordingly, H.M.O.P.No.367 of 2018 pending on the file of Family Court, Salem is withdrawn and transferred to the file of Family Court, Coimbatore.

5. The Transfer Civil Miscellaneous Petition is disposed of with the above direction. No cost. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

bri

To

1. The Family Court,
Salem.

2. The Family Court,
Coimbatore.

+1cc to Mr.R.Marudhachalamurthy, Advocate, S.R.No.26328

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and
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KS(CO)
CS/02/05/2019

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