

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.07.2020

CORAM
THE HONOURABLE MR.JUSTICE T.RAJA

Tr.C.M.P.No.174 of 2020

A.Swathi

..Petitioner

Versus

S.Shabri Girish

..Respondent

Prayer: Petition has been filed under Section 24 of the Civil Procedure Code praying to withdraw F.C.O.P.No.23 of 2020 pending on the file of learned Family Court, Erode, and transfer the same to the file of learned Principal Family Court, Coimbatore.

For Petitioner : Mr.L.Mouli

For Respondent : Ms.C.Meena for Mr.M.Guruprasad

ORDER

Heard the parties through Video Conferencing due to COVID-19 pandemic.

2. The petitioner/wife has filed this Transfer Civil Miscellaneous Petition seeking to transfer F.C.O.P.No.23 of 2020 from the file of learned Family Court, Erode, to the file of learned Principal Family Court, Coimbatore. The above said FCOP was filed by the respondent/husband seeking for divorce.

3. Learned counsel for the petitioner/wife submitted that the marriage between the petitioner and the respondent was solemnized on 12.09.2018 at Le Meridien Hotel, Coimbatore, as per Hindus Rites and Customs. Thereafter, due to some misunderstanding, the petitioner/wife was sent out from the matrimonial during July, 2019, and since then, they have been living separately. Now, the petitioner/wife has received a notice form the file of learned Sub-Court, Erode, intimating that the respondent/husband has filed F.C.O.P.No.23 of 2020 seeking for divorce under Section 13(i) of the Hindu Marriage Act. As the respondent/husband being a Doctor is not in India and carrying on his profession in United Kingdom (UK), the matter may be transferred to the file of learned Principal

Family Court, Coimbatore. Since the petitioner/wife is also ready for reunion, if the petition filed by the husband is transferred to Coimbatore, she can initiate steps for reunion and the issue can be settled.

4. Although the learned counsel for the respondent/husband objected for transferring the matter, this Court is not inclined to accept the same. As the respondent/husband being a Doctor carrying on his profession in UK, travelling either to Erode or Coimbatore is not an issue to him. Instead of coming to Erode, he can come to Coimbatore to attend the hearing. Therefore, on this count, F.C.O.P.No.23 of 2020 filed by the husband is withdrawn from the file of learned Family Court, Erode, consequently, transferred to the file of learned Principal Family Court, Coimbatore. On such transfer, learned Principal Family Court, Coimbatore, shall dispose of the same in the manner known to law as expeditiously as possible. With the above direction, this Transfer Civil Miscellaneous Petition is allowed. Consequently, connected CMP.No.5718 of 2020 is closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

rkm

To

1.The Judge,Family Court, Erode.

2.The Judge, Principal Family Court, Coimbatore.

+1cc to Mr.M.Guruprasad, Advocate, S.R.No.24685

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BR(CO)
KKV/13/08/2020

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