

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.07.2020

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

Tr.C.M.P.No.747 of 2019

S.Selvanayaki

..Petitioner/Respondent

-vs-

S.Karthikeyan

..Respondent/Petitioner

Transfer Civil Miscellaneous Petition filed under Section 24 of the Civil Procedure Code, to withdraw the H.M.O.P.No.1065 of 2019 on the file of the Principal Family Court, Coimbatore and transfer the same to the Sub Court, Tiruppur.

For Petitioner :: Mr.J.Kingsly Solomon
For Respondent :: Mr.B.Gopalakrishnan

ORDER

Heard learned counsel for the parties through video conferencing due to the Covid-19 pandemic.

2. The petitioner-Mrs.S.Selvanayaki, Wife of Mr.S.Karthikeyan, the respondent herein has come to this Court seeking withdrawal of the H.M.O.P.No.1065 of 2019 from the file of the Principal Family Court, Coimbatore and transfer the same to the Sub Court, Tiruppur.

3. It is stated that the marriage of the petitioner and the respondent was solemnized on 17.6.2018 in Arulmighu Subramania Swamy Temple, Sivanmalai as per the Hindu rites and customs in front of both the family members. After the marriage, although they lived together, the respondent's mother, who was suffering from old age illness, passed away on 27.7.2018. The petitioner, as a dutiful daughter-in-law, has taken care of the entire family responsibility, whereas, after the demise of her mother in law, her sister in law was not in good terms, as a result, the couple separated. The respondent is working in Tiruppur as an LIC agent and the petitioner being a teacher is also working in Tiruppur. While so, it is stated, to harass the petitioner, the respondent has created a fake rental agreement showing that he is residing in Coimbatore. Therefore, when the petitioner and the respondent are residing in Tiruppur, the H.M.O.P.No.1065 of

2019 filed before the Principal Family Court, Coimbatore may be transferred to the Sub Court, Tiruppur to enable the parties to sort out the issues.

4. Considering the submission that both the petitioner and the respondent are residing in Tiruppur and that the respondent has also filed the petition for restitution of conjugal rights, no prejudice would be caused to any one, if the matter is transferred to the file of the Sub Court, Tiruppur to enable the parties to sort out the issues. Accordingly, the transfer civil miscellaneous petition stands allowed and the H.M.O.P.No.1065 of 2019 is withdrawn from the file of the Principal Family Court, Coimbatore and transferred to the file of the Sub Court, Tiruppur for an expeditious disposal on merits. Consequently, C.M.P.No.20947 of 2019 is closed.

-s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

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To

1. The Principal Family Court Judge
Coimbatore

2. The Subordinate Judge
Tiruppur

+1 CC to Mr.S. Gunalan, Advocate sr 24817

+1 Cc to M/s. Kings and Solomon Advocate sr 24862.

सत्यमेव जयते

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VSNI (CO)
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