

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.03.2021

CORAM

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

Tr.C.M.P.No.61 of 2021
and
C.M.P.No.2192 of 2021

M.Gopikrishnan .. Petitioner

vs.

Josephine Remitha .. Respondent

PRAYER : Transfer CMP is filed under Section 24 of the Civil Procedure Code, to withdraw DOP.No.1692 of 2019 pending before Principal Additional Family Court, Coimbatore and transfer the same to the Family Court at Thiruvannamalai to try along with O.P.No.2378 of 2018 filed by the Petitioner for restitution of conjugal rights.

For Petitioner : Mr.V.Rajkumar

For Respondent : Mr.Deepan Uday

O R D E R

The petitioner husband filed a petition to transfer the divorce petition filed by the respondent in D.O.P.No.1692 of 2019 pending before the Family Court at Coimbatore. The marriage between the petitioner and the respondent was solemnised on 12.06.2010. The petitioner and the respondent started their matrimonial life happily. They were living together for more than 8 years and thereafter, the respondent and the petitioner are living separately on account of certain difference of opinion.

2. The learned counsel for the petitioner states that it was a love marriage and the petitioner is a Hindu and the respondent is a Christian and the parents had not approved the marriage. However, these factors are unnecessary in view of the fact that they were living happily for about 8 years.

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3. Now the respondent is living separately along with her parents at Coimbatore. The petitioner is now residing at Chennai. Already O.P.No.2378 of 2018 filed by the petitioner before the Family Court, Chennai was transferred to Thiruvannamalai and the said petition was dismissed for default and the petition was renumbered as 196/2020. The said petition was transferred at the instance of the respondent, in spite of the fact that he requested for a transfer to Coimbatore.

4. This Court is of the considered opinion that now the divorce petition is pending before the Family Court at Coimbatore. This Court had repeatedly held that the place of trial must be preferably for the purpose of adjudicating the matrimonial issues. Further the divorce petition filed subsequently is now pending before the Family Court at Coimbatore. Thiruvannamalai is no way connected with the parties. None of the parties are residing at Thiruvannamalai and are having access to the said place. This being the facts and circumstances of the case, this Court is of the considered opinion that the said case is also to be transferred to the Court at Coimbatore.

5. Accordingly O.P.No.2378 of 2018 now pending before the Family Court at Thiruvannamalai which is renumbered as 196 of 2020 pending before the Family Court, Thiruvannamalai stands transferred to the Principal Additional Family Court, Coimbatore to be tried along with DOP.No. 1692 of 2019. Accordingly the transfer Civil Miscellaneous Petition stands disposed of. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar

//True copy//

Sub Assistant Registrar

kmm

To

1. The Judge,
The Family Court,
Thiruvannamalai.
2. Principal Additional Judge,
Family Court, Coimbatore

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+1cc to Mr.Deepan Uday, Advocate SR.No.14372

+1cc to Mr.P.Chandra Sekar, Advocate SR.No.14364

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