



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 26.03.2021
CORAM
THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM
Tr.C.M.P.No.122 of 2021
and
C.M.P.No.3811 of 2021

Precilla

.. Petitioner

vs.

Nirmal Raj

.. Respondent

PRAYER : Transfer CMP is filed under Section 24 of the Civil Procedure Code, to withdraw the D.O.P.No.322 of 2019 from the file of Hon'ble Family Court, Coimbatore and to transfer the same to the Family Court at Tiruchirapalli for conducting the joint trial along with the petition in D.O.P.No.63 of 2021 on the file of Family Court, Tiruchirapalli.

For Petitioner : Mr.K.T.S.Sivakumar
For Respondent : Mr.M.Ganesh Babu

O R D E R

The petition for transfer is filed to transfer D.O.P.No.322 of 2019 from the Family Court, Coimbatore to the Family Court, Tiruchirapalli.

2. The marriage between the petitioner and the respondent was solemnized on 11.07.2007 as per the Christian Marriage Laws and Customs. Two children born from and out of the wedlock aged about 12 years and 7 years respectively.

3. It is informed before this Court that the female child is with the petitioner/wife and the male child is with the respondent/husband. As of now, the petitioner and the respondent are living separately due to difference of opinion. The petitioner states that the respondent/husband filed D.O.P.No.322 of 2019 for Dissolution of marriage and the petitioner filed D.O.P.No.63 of 2021 before the Family Court, Tiruchirapalli for Restitution of Conjugal rights.

4. The learned counsel for the petitioner states that now she is residing along with her aged parents and she has to take care of the female child. She is unemployed and therefore, it would be very difficult for the petitioner to travel from



Tiruchirapalli to Coimbatore, to contest the Divorce petition filed by the respondent.

5. Place of wife would be preferable for the purpose of adjudication of matrimonial disputes. In the present case, the petitioner/wife is unemployed and has to take care of the female child.

6. This being the factum, this Transfer Civil Miscellaneous Petition No.122 of 2021 stands allowed and D.O.P.No.322 of 2019 pending on the file of the Family Court, Coimbatore, is directed to be transferred to the Family Court, Tiruchirapalli, to be tried along with D.O.P.No.63 of 2021. However, there shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

Kak

To

1. The Judge,
Family Court, Coimbatore.
2. The Judge,
Family Court, Tiruchirapalli.

+1cc to Mr.S.Vinod Sathya Lazar, Advocate, S.R.No.20056.
+1cc to Mr.C.Karthik, Advocate, S.R.No.19905.

Tr.CMP No.122 of 2021

PM(CO)
CSR 30.04.2021