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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.06.2021

CORAM

THE HON'BLE MR. JUSTICE S.S.SUNDAR

TR CMP No.234 of 2021
and
CMP No.6438 of 2021

S.Annie Sujitha

..Petitioner

Vs

D.Suresh Kumar

... Respondent

Prayer: Transfer Civil Miscellaneous Petition filed under Section 24 of the Code of Civil Procedure, 1908, pleased to withdraw DOP No.129 of 2020 pending on the file of the learned Principal Judge, Family Court, Coimbatore to transfer the same to the file of the Family Court, Erode.

For Petitioner : Mr.Govind Chandrasekhar

For Respondent : No appearance

O R D E R

This Transfer Miscellaneous petition is filed by the wife for withdrawal and transfer of proceedings in DOP No.129 of 2020 pending before learned Principal Judge, Family Court, Coimbatore to the Family Court, Erode.

2. This Transfer Civil Miscellaneous Petition is preferred by the petitioner/wife on the ground of inconvenience. It is admitted that the marriage between the petitioner and the respondent was solemnized as per the Christian rites and rituals on 29.08.2012 at CSI Brough Memorail Church, Erode. It appears that due to some misunderstanding, the petitioner and the respondent are living separately. Hence, the respondent filed a petition under Section 32 of the Indian Divorce Act, 1869 in DOP No.129 of 2020 before the Family Court, Coimbatore for restitution of conjugal rights. The petitioner/wife who is residing in Erode seeks transfer of proceedings mainly on the ground of convenience. The petitioner states that she is a single lady who is raising her daughter without any assistance of her relatives. It is further stated that the



respondent/husband is not giving any amount for their maintenance and that there is no contribution from her husband for raising her daughter. The petitioner also expressed her inconvenience and hardship to travel a long distance.

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3. Despite service of notice to the respondent on 20.04.2021, the respondent has not chosen to appear before this Court either in person or through counsel duly instructed, which shows that the respondent/husband has no reason to deny the averments stated in the affidavit filed in support of the petition filed by the petitioner/wife for transfer of DOP No.129 of 2020.

4. Considering the fact that the distance between Coimbatore and Erode is around 200 km, this Court is of the view that it would be in the interest of justice to give a fair opportunity to the petitioner/ wife to contest the case. Hence, this Transfer Civil Miscellaneous petition is allowed and the petition in DOP No.129 of 2020 on the file of the Principal Judge, Family Court, Coimbatore is withdrawn and transferred to the Family Court, Erode. In case, the petitioner/wife fails to attend continuously for two hearings, it is open to the respondent / husband to review this order.

Consequently, connected miscellaneous petition is closed.
No costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

vum

To

1. The Principal Judge, Family Court, Coimbatore.
2. The Judge Family Court, Erode.

+1cc to Mr.Govind Chandrasekar, Advocate, S.R.No.29534

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LN(CO)
SB(03/08/2021)