



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.06.2021

CORAM:

THE HONOURABLE MR.JUSTICE S.S.SUNDAR

Tr.C.M.P. No.284 of 2021

and

C.M.P. Nos.7253 & 7256 of 2021

P.Thanigaivel

..Petitioner

Versus

P.A.Revathi

..Respondent

Transfer Civil Miscellaneous Petition filed under Section 24 of Civil Procedure Code, to withdraw and transfer H.M.O.P. No.156 of 2021 pending on the file of Hon'ble Additional Family Court, Coimbatore and transfer the same to Hon'ble Sub-ordinate Judge, Kancheepuram.

For Petitioner : Mr. P.K.Ganesh

For Respondent : No appearance

#### O R D E R

Despite notice having been served on respondent as early as on 07.05.2021, no one entered appearance on behalf of the respondent. Since sufficient opportunity has already been given to the respondent, this Court proceeds further to dispose of this petition on the basis of averments made in this petition. The respondent is set ex-parte.

2. This transfer petition is filed to withdraw and transfer H.M.O.P. No.156 of 2021 pending on the file of Additional Family Court, Coimbatore and transfer the same to Sub-Ordinate Court, Kancheepuram. The petitioner is the husband and respondent is the wife. The marriage between the petitioner and wife was solemnized on 13.03.2019. It is stated that the said marriage is the second marriage for both the petitioner and respondent. The petitioner filed a divorce petition in H.M.O.P. No.100 of 2020 before the Sub-ordinate Court, Kancheepuram. The respondent wife also filed a petition in H.M.O.P. No.156 of 2021



before Additional Family Court, Coimbatore, under Section 9 of Hindu Marriage Act, 1955. Even though there are no issues between the petitioner and the respondent, the petitioner husband filed the present transfer petition on ground of his physical incapacity to travel from Kancheepuram to Coimbatore. It is stated by the petitioner that he is unable to travel from Kancheepuram to Coimbatore due to his medical issues. Hence he seeks transfer of case.

3. Normally the convenience of wife will be taken into consideration in a transfer petition filed to transfer the husband's divorce petition. However, in the present case the husband seeks transfer with several allegations against the respondent wife. Except citing medical ground, the petitioner has not produced before this Court any tangible evidence or certificates to prove his contentions.

4. This Court find no reason to entertain this petition. Accordingly, this petition is dismissed. No costs. However, if the respondent wife fails to appear before the concerned Court continuously for three hearings, the petitioner is at liberty to approach this Court once again for transfer of case. The connected miscellaneous petitions are closed. It is open to either one of the parties to seek transfer of proceeding in H.M.O.P. No.100 of 2020 from Sub Court, Kanchipuram to Coimbatore for joint trial.

Sd/-

Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

bkn

To

1. The Additional Family Court,  
Coimbatore
2. The Sub-Ordinate Court,  
Kancheepuram.

+1cc to M/s.P.K.Ganesh, Advocate, S.R.No.30046

Tr. C.M.P. No.284 of 2021

SSN(CO)

RGA(04/08/2021)