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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.07.2021

CORAM:

THE HONOURABLE MR.JUSTICE S.S.SUNDAR

Tr.CMP.No.273/2021 7 CMP.No.7136/2021

[Video Conferencing]

H.Divya ...Petitioner/Respondent

Vs

R.Mohanasundaram ... Respondent/Petitioner

Prayer:- Petition filed under Section 24 of the Code of Civil Procedure, to withdraw the case in HMOP No.225/2020 filed by the respondent husband from the file of the Family court at Thiruchirappalli to transfer the same to the file of the Family Court at Coimbatore in connection with HMOP No.565/2021 filed by the petitioner/wife for common trial.

For Petitioner : Mr.V.Raghupathi

For Respondent : No appearance

ORDER

1. This petition has been filed by the petitioner/wife seeking transfer of the matrimonial case in HMOP No.225/2020 filed by the respondent/husband seeking divorce, before the Family Court, Tiruchirappalli to the file of the Family Court at Coimbatore and to be tried along with HMOP No.565/2021 filed by her seeking restitution of conjugal rights.
2. The case of the petitioner is that the marriage between the respondent and her was solemnised on 02.07.2018 and due to misunderstanding, the spouses got separated. There are allegations and counter allegations and this Court is not inclined to go into the same.
3. This petition has been filed mainly on the ground of convenience of the petitioner/wife. The petitioner states that her husband/respondent herein, has filed a petition for divorce in HMOP No.225/2020 despite the fact that she



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was treated with cruelty by her husband himself. It is the grievance of the petitioner that as she is staying with her elderly parents and that there is no one to accompany her to the Family Court at Tiruchirappalli, which is far away from the place of her residence at Coimbatore, she will get a fair opportunity to defend the case filed by her husband, only if the petition in HMOP No.225/2020 on the file of the Family Court, Trichy, is transferred to the file of the Family Court at Coimbatore and to be tried along with HMOP No.565/2021.

4. It is seen from the records that notice was served on the respondent on 06.05.2021 and though his name appears in the cause list, he did not appear either in person or through any counsel. This Court is of the view that the respondent/husband is not interested in pursuing the matter and that the averments stated by the petitioner seeking transfer of the proceedings, are true.
5. In a petition filed by the husband for divorce, convenience of the wife will always be relevant.
6. Considering the fact that the petitioner/wife has got no family members to support or accompany her for every hearing to Tiruchirappalli and that it would be difficult for her to travel a long distance to attend the court proceedings, this Court, in the interest of justice, is of the considered view that the proceedings pending on the file of the Family Court, Tiruchirappalli, can be transferred and tried along with the proceedings pending on the file of the Family Court, Coimbatore.
7. Accordingly, the Transfer Civil Miscellaneous Petition is allowed and the proceedings in HMOP No.225/2020 filed by the respondent/husband seeking divorce, pending on the file of the Family Court at Tiruchirappalli is withdrawn and transferred to the file of the Family Court at Coimbatore and is to be tried along with HMOP No.565/2021 filed by the petitioner for restitution of conjugal rights. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar



AP

To

1.The Judge,
Family Court,
Thiruchirappalli.

2.The Judge,
Family Court,
Coimbatore.

+1cc to Mr.V.Raghupathi, Advocate Sr.31752

Tr.CMP.No.273/2021

gj[co]
srg 10/08/2021