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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.08.2021

CORAM:

THE HONOURABLE MR.JUSTICE A.A.NAKKIRAN

Tr.C.M.P.No.326 of 2021

and

C.M.P.No.7745 of 2021

[Through video conferencing]

Sapsitha Parveen

... Petitioner/Defendant

-vs-

Barkathulla

... Respondent/Plaintiff

PRAYER:

Transfer Civil Miscellaneous Petition is filed under Section 24 of the Code of Civil Procedure, to withdraw the O.S.No.60 of 2020 from the file of the learned Additional Principal Family Court, Coimbatore and transfer the same to the file of the Subordinate Court, Dharapuram.

For Petitioner : Mr.Ronak Ramesh
: For Mr.R.Prabakar

For Respondent : Mr.Balaji

O R D E R

The present Transfer Civil Miscellaneous Petition is filed to withdraw O.S.No.60 of 2020 from the file of the learned Additional Principal Family Court, Coimbatore and transfer the same to the file of the Subordinate Court, Dharapuram.

2.The respondent/husband has filed a suit in O.S.No.60 of 2020 before the Additional Principal Family Court at Coimbatore for divorce.

3.The learned counsel for the petitioner/wife submitted that the petitioner is now residing with her maternal aunt's home at Dharapuram. The distance between Dharapuram and Coimbatore is around 100 Kms. He would submit that she has no source of income and she is depending on her maternal aunt for her day to



day expenses. Moreover, the petitioner is being a lady she is facing serious physical, mental and financial problem and in this circumstances she finds it very difficult to travel alone from Dharapuram to Coimbatore for attending the Court on every hearings in O.S.No.60 of 2020. Therefore, on the ground of convenience, she seeks to transfer the case from the file of the Additional Principal Family Court, Coimbatore to the Subordinate Court, Dharapuram.

4.The learned counsel for the respondent submitted that in the present petition the petitioner/wife herself clearly stated that she is residing at Bangalore, Karnataka and now she seeks to transfer the case from the file of the Additional Principal Family Court, Coimbatore to the file of the Subordinate Court at Dharapuram and hence, the petition itself is not maintainable. Therefore, he would strongly oppose for transferring this case and prays to dismiss the petition.

5.In reply to the above contention the learned counsel for the petitioner submits that in the present petition and in the suit in O.S.No.60 of 2020 itself clearly stated that the petitioner is presently residing at Dharapuram, Tiruppur District and hence, he seeks to transfer the case to the file of the Subordinate Court at Dharapuram.

6.Heard the learned counsel on both sides and perused the materials available on record.

7.Considering the facts and circumstances of the case and considering the submission made by the learned counsel on either side, this Court is inclined to transfer the case to the file of the Subordinate Court at Dharapuram.

8.Accordingly, O.S.No.60 of 2020 is withdrawn from the file of the Additional Principal Family Court, Coimbatore and transferred to the file of the Sub - Court, Dharapuram, for disposal as per law. The Additional Principal Family Judge, Coimbatore is directed to transmit the papers to the file of the Subordinate Court, Dharapuram forthwith. The Subordinate Judge, Subordinate Court, Dharapuram is directed to dispose of the suit in O.S.No.60 of 2020 on merits in accordance with law as expeditiously as possible.

9.The personal appearance of both parties before the Sub - Court, Dharapuram is dispensed with, except on the dates of hearing, on which, the learned Judge insists upon the parties to appear before the Court. On other hearing dates, the learned counsel on behalf of the parties may appear before the Court.

10.In fine, this Transfer Civil Miscellaneous Petition is



allowed. No costs. Consequently, the connected miscellaneous petition is also closed.

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Sd/-
Assistant Registrar(CS IX)

Sub Assistant Registrar

ssi

To:

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

2.The Subordinate, Dharapuram.

+1cc to Mr.R.Prabakar, Advocate, S.R.No.43362

+1cc to Mr.A.Thiyagarajan, Advocate, S.R.No.43204

Tr.C.M.P.No.326 of 2021
and C.M.P.No.7745 of 2021

PM(CO)
CT(23/09/2021)