



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.08.2021

CORAM:

THE HONOURABLE MR.JUSTICE A.A.NAKKIRAN

Tr.C.M.P.No.343 of 2021
and C.M.P.Nos.8118 & 11101 of 2021

S.Saranya

.. Petitioner/Respondent

Vs.

Vijay Vikrama Baskar

.. Respondent/Petitioner

Prayer: This Petition filed under Section 24 of the Code of Civil Procedure seeking to withdraw the case in H.M.O.P.No.170 of 2020 pending on the file of the Sub Court, Palani and transfer the same to the Family Court, Coimbatore.

For Petitioner : Mr.R.Subramanian

For Respondent : Ms.Thenmozhi Shivaperumal

O R D E R

(The case has been heard through video conference)

The petitioner, being the wife of the respondent herein, has come up with the present petition seeking to transfer H.M.O.P.No.170 of 2020, filed by the respondent for divorce, which is pending on the file of the Subordinate Court, Palani to the file of the Family Court, Coimbatore.

2. The learned counsel appearing for the petitioner submitted that the petitioner is residing in her widowed mother's house at Coimbatore along with her school going child aged 7 years and she finds it very difficult to travel from Coimbatore to Palani for attending the Court on every hearings in H.M.O.P.No.170 of 2020. Further, the petitioner has also filed a DVA case before the learned Judicial Magistrate, Madukarai, Coimbatore District and for attending the said case the respondent has to necessarily come to Coimbatore. Further, the petitioner also apprehend that she may be attacked by the respondent's family members if she goes to the Court at Palani



as she has initiated Domestic Violence proceedings against the family members of the respondent in Coimbatore District. In these circumstances, on the ground of convenience, she seeks to transfer the case from the Subordinate Court, Palani to the file of the Family Court, Coimbatore.

3. Ms.Thenmozhi Shivaperumal, learned counsel appearing for the respondent strongly opposed the transfer of the case from Palani to Coimbatore. The learned counsel submitted that the present transfer petition has been filed only to harass the respondent. The learned counsel further submitted that personal appearance of the petitioner before the Subordinate Court, Palani is not necessary. As the petitioner is a MBA graduate she can very well travel to Subordinate Court, Palani as and when her personal appearance is required. The learned counsel further submitted that the petitioner is receiving Rs.20,000/- as maintenance from the respondent.

4. I have considered the rival submissions.

5. It is well settled that the wife's convenience should be considered while deciding whether the matrimonial dispute should be transferred to the place of the wife. Hence, this Court is inclined to withdraw the H.M.O.P.No.170 of 2020 from the file of the Subordinate Court, Palani and transfer the same to the file of the Family Court, Coimbatore. The learned Subordinate Judge, Palani is directed to transmit the papers pertaining to H.M.O.P.No.170 of 2020 to the file of the Family Court, Coimbatore, forthwith. The learned Judge, Family Court, Coimbatore, is directed to dispose of the case in H.M.O.P.No.170 of 2020 on merits and in accordance with law as expeditiously as possible.

6. The personal appearance of both parties before the Family Court, Coimbatore, is dispensed with, except the dates of hearing, on which, the learned Judge insisted upon the parties to appear before the Court. On other hearing dates, the counsel on behalf of the parties may appear before the Court.

7. In fine, this Transfer Civil Miscellaneous Petition is allowed. Consequently, the connected miscellaneous petitions are closed. No costs.

Sd/-
Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

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To

1.The Subordinate Judge,
Palani.

2.The Judge,
The Family Court,
Coimbatore.

+lcc to Ms.Thenmozhi Shivaperumal, Advocate Sr No.39047

+lcc to Mr.R.Subramanian, Advocate Sr No.39361

Tr.C.M.P.No.343 of 2021 and
C.M.P.No.8118 & 11101 of 2021

SSD (CO)
PR (16/09/2021)