



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.08.2021

CORAM:

THE HONOURABLE MR.JUSTICE A.A.NAKKIRAN

Tr.C.M.P.No.411 of 2021
and
C.M.P.No.9813 of 2021

[Through video conferencing]

T.P.Anandhi

... Petitioner

-vs-

R.Senthil

... Respondent

PRAYER: Transfer Civil Miscellaneous Petition is filed under Section 24 of the Code of Civil Procedure, seeking to withdraw the H.M.O.P.No.737 of 2021, pending on the file of the Principal Family Court Judge at Coimbatore and transfer the same to the file of any Family Court at Chennai.

For Petitioner : M/s.Mcgan Law Firm
For Respondent : Mr.S.Chandrasekar

ORDER

The present Transfer Civil Miscellaneous Petition is filed to withdraw the H.M.O.P.No.737 of 2021, pending on the file of the Principal Family Court Judge at Coimbatore and transfer the same to the file of any Family Court at Chennai.

2.The respondent/husband has filed H.M.O.P.No.737 of 2021, before the Principal Family Court Judge, Coimbatore, for dissolution of marriage.

3. The learned counsel for the petitioner/wife submitted that the petitioner is living with her aged parents house at Chennai and also taking care of the child's birth through the surrogated mother in Chennai. The distance between Chennai and Coimbatore is nearly 450 kms and if the petitioner attends the Court hearing at Coimbatore, there would be life threat at the hands of the respondent. Moreover, the petitioner has no source of income and she is depending on her aged parents and in this circumstances, it is very difficult for the petitioner to travel from Chennai to Coimbatore for attending the Court on every hearings in H.M.O.P.No.737 of 2021. Hence, he seeks to transfer the case from Coimbatore to Chennai.



4. The learned counsel appearing for the respondent/husband has strongly objected to transfer the case. However, he submitted that if the matter may be referred to mediation center, there is every possibility to settle the issues amicably between the parties themselves.

5. Heard the learned counsel on either side and perused the materials placed on record.

6. Considering the facts and circumstances of the case and the submissions made by both the counsel, this Court is inclined to transfer the case to the file of Family Court at Chennai.

7. Accordingly, H.M.O.P.No.737 of 2021 is withdrawn from the Principal Family Court at Coimbatore and transferred to the file of the Family Court at Chennai, for disposal as per law. The Principal Family Court at Coimbatore, is directed to transmit the papers to the file of the Family Court at Chennai, forthwith. The learned Family Judge at Chennai is directed to refer the matter to the mediation center and if the mediation fails, then the learned Family Judge, Chennai is directed to dispose of the case in H.M.O.P.No.737 of 2021 on merits and in accordance with law as expeditiously as possible.

8. The personal appearance of both parties before the Family Court, Chennai 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 counsel on behalf of the parties may appear before the Court.

9. In fine, the Transfer Civil Miscellaneous Petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

s/d-
Assistant Registrar (CS VIII)

True Copy

Sub-Assistant Registrar

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To:

1. The Principal Family Court, Coimbatore.

2. The Family Court, Chennai.

+1cc to M/S.S.Chandrasekar, Advocate, SR.No.40253

Tr.C.M.P.No.411 of 2021

BP (CO)

PM(02/09/2021)