



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.12.2021

CORAM:

THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN

TR. CMP.NO.432 OF 2021

AND

CMP.NO.10955 OF 2021

S.Priyanka

...Petitioner

Vs.

S.Vignesh

...Respondent

Prayer : Transfer civil miscellaneous petition filed under Section 24 of the Code of Civil Procedure, * seeking to withdraw the case in HMOP.No.766 of 2021 on the file of the Additional Principal Family Court of Coimbatore and transfer the same to the file of III Additional Family Court, Chennai and try it along with OP No.2231 of 2021.

* prayer amended vide Court order dated 04.10.2021 made in CMP No.16021/2021 in Tr. CMP 432/2021 - SKJ

For Petitioner : Mrs.S.Viji

For Respondent : Mr.U.M.Shankaravel Murugan

O R D E R

The wife seeks transfer of HMOP No.766 of 2021 filed by the husband seeking restitution of conjugal rights on the file of the Additional Principal Family Court at Coimbatore, to the III Additional Family Court, Chennai, to be tried along with OP No.2231 of 2021 filed by her seeking divorce.

2. Both the proceedings have been initiated in and around the same time. While the learned counsel appearing for the wife would submit that the proceedings shall be held only in the Family Court at Chennai, however, high the inconvenience that is caused to the husband because of that may be. The learned counsel appearing for the husband would submit that he is ready to appear before a Sub Court near Chennai, so that he will not be made to undergo the agony of appearing for every hearing before the Family Court at Chennai.



3. The submission of the learned counsel for the husband appears to be more reasonable and acceptable. If the proceedings from Coimbatore are transferred to the Family Court at Chennai, the husband will have to travel for every hearing to Chennai. It is common knowledge that all the Family Courts at Chennai insist on the presence of the parties for every hearing. In order to avoid such huge inconvenience that would be caused to the husband, I am inclined to accept the submission of the learned counsel for the husband.

4. Therefore, both the OPs namely HMOP No.766 of 2021 on the file of the Additional Principal Family Court, Coimbatore and OP No.2231 of 2021 on the file of the III Additional Family Court, Chennai are withdrawn and transferred to the Sub Court, Alandur, to be disposed of in accordance with law. Consequently, the connected miscellaneous petition is closed. No costs.

Sd/-
Assistant Registrar

// True Copy //

Sub Assistant Registrar

jv

To:-

1.The Additional Principal Family Court,
Coimbatore.

2.The III Additional Family Court,
Chennai.

3.The Sub Court,
Alandur.

+1cc to Mrs.S.Viji, Advocate SR.No.64639

+1cc to Mr.U.M.Sankaravel Murugan, Advocate SR.No.64765

Tr. CMP.No.432 of 2021
and CMP.No.10955 of 2021

KV(CO)
RVM(27/12/2021)