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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.08.2021

CORAM:

THE HONOURABLE MR.JUSTICE A.A.NAKKIRAN

Tr.C.M.P.No.450 of 2021

and

CMP.No.11897 of 2021

[Through video conferencing]

R. Umadevi

... Petitioner

-vs-

M.Sathishkumar

... Respondent

PRAYER: Transfer Civil Miscellaneous Petition is filed under Section 24 of the Code of Civil Procedure, to withdraw H.M.O.P.No.56 of 2020 on the file of the Subordinate Court, Bhavani and transfer the same to the file of the Principal Family Court, Coimbatore to be tried jointly along with MC.No.5 of 2021.

For Petitioner : Mr.L.Mouli

For Respondent : Mr.C.Prakasam

O R D E R

The present Transfer Civil Miscellaneous Petition is filed to withdraw H.M.O.P.No.56 of 2020 on the file of the Subordinate Court, Bhavani and transfer the same to the file of the Principal Family Court, Coimbatore to be tried jointly along with MC.No.5 of 2021.

2.The respondent/husband has filed H.M.O.P.No.56 of 2020 before the Subordinate Court at Bhavani for divorce. The petitioner/wife has filed M.C.No.5 of 2021 before the Principal Family Court, Coimbatore for maintenance.



3. The learned counsel for the petitioner/wife submitted that the petitioner is residing along with her two minor children in her parents home at Coimbatore. She has no income to maintain herself and her two minor children. The distance between Bhavani and Coimbatore is around 110 Kms. Since, she is being a lady with two minor children, she is not in a position to travel alone from Coimbatore to Bhavani for attending the Court on every hearings in H.M.O.P.No.56 of 2020. He further submitted that the matter may be transferred to Coimbatore to be tried jointly along with MC.No.5 of 2021. Therefore, on the ground of convenience, she seeks to transfer the case from Subordinate Court, Bhavani to the Principal Family Court, Coimbatore.

4. The learned counsel appearing for the respondent has no objection for allowing this petition. However, he sought exemption from personal appearance.

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

6. This Court is satisfied with the reasons stated in the affidavit filed in support of this petition. Further, since two cases are pending in two different Courts i.e., the wife filed a petition for maintenance and the husband filed an application for divorce, to avoid multiplicity of proceedings and conflicting judgments, both the cases have to be tried before a single Judge.

7. Considering the facts and circumstances of the case and considering the submission made by the learned counsel on either side, H.M.O.P.No.56 of 2020 is withdrawn from the file of the Subordinate Court, Bhavani and transferred to the file of the Principal Family Court, Coimbatore to be tried along with MC.No.5 of 2021, for disposal as per law. The learned Subordinate Judge, Bhavani, is directed to transmit the papers to the Principal Family Court, Coimbatore, forthwith. The learned Principal Family Court, Coimbatore, is directed to dispose of H.M.O.P.No.56 of 2020 along with MC.No.5 of 2021 on merits and in accordance with law as expeditiously as possible.

8. The personal appearance of both parties before the Principal 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.



9. In fine, this petition is allowed. No costs.
Consequently, connected miscellaneous petition is closed.

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Sd/-
Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

gv

To

1. The Subordinate Judge,
Bhavani.
2. The Principal Family Court,
Coimbatore.

+1cc to M/s.L.Mouli, Advocate Sr.43495

Tr.C.M.P.No.450 of 2021
and
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