



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17.11.2021

CORAM:

THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN

Tr.CMP.No.466 of 2021
and
CMP.No.12506 of 2021

K.Hariharan

..Petitioner/Respondent

Vs.

R.Vaishnavi

..Respondent/Petitioner

Prayer: Transfer civil miscellaneous petition filed under Section 24 of C.P.C., seeking to withdraw and transfer HMOP.No.378 of 2020, pending on the file of the Additional Family Court, Coimbatore to the Family Court, Salem to be tried along with HMOP.No.78 of 2020 on the file of the Family Court, Salem.

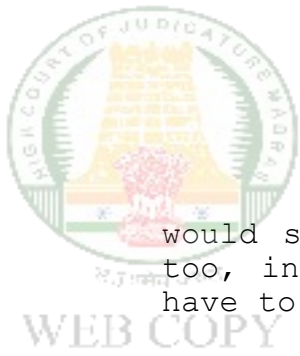
For Petitioner : Mr.S.Sivakumar

For Respondent : Mr.V.Sivakumar

O R D E R

The petitioner / husband seeks transfer of HMOP.No.378 of 2020 filed by wife for restitution of conjugal rights on the file of the Additional Family Court, Court to the Family Court, Salem wherein, the proceedings launched by him for divorce in HMOP.No.78 of 2020 is pending.

2.According to the husband, HMOP.No.378 of 2020 is a counter blast to his petition for divorce, which was filed much earlier. The other reason for seeking transfer is that the husband has a medical condition and that he cannot freely move out. It is stated that his right side skull was removed due to an accident that happened in 2013. He is surviving with an artificial skull. The accident has affected his memory as well as his ability to walk freely. Therefore, the husband would contend that the proceeding pending at Additional Family Court, Coimbatore should be transferred to the Family Court, Salem to be tried along with HMOP.No.78 of 2020.



3.The learned counsel appearing for the respondent / wife would submit that the conduct of the proceedings at Salem that too, in the Family Court will be difficult for her as she would have to travel about 170 Kilometres one way for every hearing.

4.Considering the overall circumstances and the fact that the husband is suffering from a medical infirmity, I am of the opinion that it would be in the interest of the parties have the proceedings before the Sub-Court, where the presence of the parties for every hearing is not required. Considering the convenience of the wife and the medical grounds expressed by the husband, HMOP.No.378 of 2020 on the file of the Additional Family Court, Coimbatore and HMOP.No.78 of 2020 on the file of the Family Court, Salem are withdrawn and transferred to the Principal Sub-Court, Coimbatore to be tried and disposed of in accordance with law. The Principal Sub-Court, Coimbatore is required to dispose of the HMOPs within a period of eight months from the date of receipt of a copy of this order.

5.This transfer civil miscellaneous petition is disposed of with the above direction. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS-III)

//True copy//

Sub Assistant Registrar

kkn

To:-

1.The Additional Family Court,
Coimbatore.

2.The Family Court,
Salem.

3.The Principal Sub-Court,
Coimbatore.

+1cc to Mr.S.Sivakumar, Advocate SR.No.59200

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SJ(CO)
GMY(01/12/2021)