



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.11.2021

CORAM:

THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN

Tr.CMP.No.756 of 2021
and
CMP.No.17955 of 2021

P.Nithya

..Petitioner

Vs.

Lakshmanakumar

..Respondent

Prayer: Transfer civil miscellaneous petition filed under Section 24 of C.P.C., seeking to withdraw HMOP.No.134 of 2021 pending on the file of the Sub-ordinate Judge, Udumalpet and transfer the same to the Judge, Family Court at Coimbatore.

For Petitioner : Mr.Pravin Rathinam S.V.

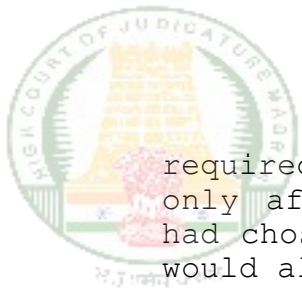
For Respondent : Mr.S.Nagarajan

O R D E R

The petitioner / wife seeks transfer of HMOP.No.134 of 2021 filed by the husband seeking divorce on the file of the Sub-Court, Udumalpet to the Family Court, Coimbatore, where her petition for restitution of conjugal rights in HMOP.No.1591 of 2021 (subsequently filed) is pending. Transfer is sought for solely on the ground of convenience, since the wife is a resident of Coimbatore.

2.Heard Mr.Pravin Rathinam.S.V., learned counsel appearing for the petitioner and Mr.S.Nagarajan, learned counsel appearing for the respondent.

3.Mr.S.Nagarajan, learned counsel appearing for the respondent / husband would submit that if the proceedings pending on the file of the Sub-Court, Udumalpet are transferred to the Family Court, Coimbatore, he will be put to considerable hardship as he would be required to travel to Coimbatore for every hearing because the personal appearance of the parties is



required in a Family Court. He would also point out that it is only after receipt of notice in HMOP.No.134 of 2021, the wife had chosen to file HMOP.No.1591 of 2021 seeking restitution. He would also contend that it is only a counter blast.

WEB COPY

4.Considering the overall circumstances and the convenience of both the parties, I am of the opinion that both these proceedings could be transferred to the Principal Sub-Court, Coimbatore where, the parties can appear through counsel for non-essential hearings. Transfer of proceedings to the Principal Sub-court, Coimbatore will also mitigate the hardship caused to the husband.

5.In view of the above, HMOP.No.134 of 2021 on the file of the Sub-Court, Udumalpet and HMOP.No.1591 of 2021 on the file of the Family Court, Coimbatore are withdrawn and transferred to the Principal Sub-Court, Coimbatore to be tried and disposed of in accordance with law.

6.This transfer miscellaneous petition is disposed of with the above directions. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS-VI)

//True copy//

Sub Assistant Registrar

kkn

To:-

1.The Subordiante Judge, Udumalpet.

2.The Judge, Family Court,
Coimbatore.

3.The Principal Subordinate Judge,
Coimbatore.

+2ccs to Mr.S.Nagarajan, Advocate SR.No.60613

+1cc to Mr.S.V.Pravin Rathinam, Advocate SR.No.60797

Tr.CMP.No.756 of 2021
and
CMP.No.17955 of 2021

AJS (CO)
GMY (07/12/2021)