



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated: 08.02.2021

CORAM:

THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN

Tr.C.M.P. (MD) No.05 of 2021

and C.M.P (MD) No.132 of 2021

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S.Krishna Priya

... Petitioner/Petitioner

-Vs-

A.Thirumalaikumar

... Respondent/Respondent

PRAYER: Transfer Civil Miscellaneous Petition is filed under Section 24 of the Code of Civil Procedure to withdraw the suit in H.M.O.P.No.886 of 2020 on the file of the Additional Family Court, Coimbatore and transfer the same to the file of the Family Court, Madurai.

For Petitioner : Mr.K.Govindarajan

For Respondent : Mr.B.N.Raja Mohamed

O R D E R

Wife seeks transfer of the proceedings for restitution of conjugal rights in H.M.O.P.No.886 of 2020 launched by her husband on the file of the Additional Family Court, Coimbatore to the file of the Family Court, Madurai. Transfer is sought for solely on the ground of convenience of the wife. Though certain allegations have been made against the Presiding Officer to the effect the papers in the Original Petition were not furnished to the wife when she appeared in person before the Family Court.

2. It is not in dispute that the wife is the resident of Madurai and she is working as the Assistant Manager in IDBI Bank at Madurai. The husband is a resident of Coimbatore. One of the grounds taken for transfer is that the wife cannot apply for leave often and attend the hearings at the Family Court. This ground would apply to conduct the proceedings before the Family Court at Madurai as well.

3. Considering the convenience of the parties and the fact that the husband will have to travel 217 kms for hearings if the Original Petition is transferred to the Family Court at Madurai, I am of the considered view that the Original Petition should be transferred to the file of the Subordinate Court, where appearance of the parties for every hearing is not essential. Hence, H.M.O.P.No.886 of 2020 on the file of the Additional Family Court, Coimbatore is withdrawn and transferred to the file of the Principal Sub Court, Madurai to be tried and disposed of in accordance with law.



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

Sd/-

Assistant Registrar(AD-II)

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Sub Assistant Registrar(CS)

CM

To:

- 1.The Judge, Additional Family Court,
Coimbatore
- 2.The Principal Subordinate Judge,
Madurai
- 3.The Section Officer,
V.R. Section,
Madurai Bench of Madras High Court,
Madurai(2 copies).

+1 CC to Mr.S.Ponsenthilkumaran, Advocate SR.No. 3886

Order made in

Tr.C.M.P. (MD) No.05 of 2021
and C.M.P(MD)No.132 of 2021

08.02.2021

NA(CO)

TR(22.02.2021) 2P 6C