



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:20.04.2021

CORAM:

THE HONOURABLE MR.JUSTICE A.A.NAKKIRAN

Tr.C.M.P. (MD) No.80 of 2021 and C.M.P. (MD)No.1463 of 2021

A.Poornima

:Petitioner/Respondent

-vs-

K.Ranganathan

:Respondent/Petitioner

PRAYER: Transfer Civil Miscellaneous Petition is filed under Section 24 of the Code of Civil Procedure, to withdraw and transfer the H.M.O.P.No.109 of 2020 on the file of the learned Subordinate Court, Mettupalayam, Coimbatore District to the learned Subordinate Court at Palani and to try along with H.M.O.P.No.128 of 2020 filed by the petitioner herein on the file of the learned Subordinate Court, Palani, Dindigul District.

For Petitioner:Mr.C.Gangai Amaran

For Respondent:Mr.M.Shakul Hameed

ORDER

The present Transfer Civil Miscellaneous Petition is filed to withdraw and transfer the H.M.O.P.No.109 of 2020 on the file of the learned Subordinate Court, Mettupalayam, Coimbatore District to the learned Subordinate Court at Palani and to try along with H.M.O.P.No.128 of 2020 filed by the petitioner herein on the file of the learned Subordinate Court, Palani, Dindigul District.

2.H.M.O.P.No.109 of 2020 was filed by the respondent/husband before the Subordinate Court, Mettupalayam, Coimbatore for restitution of conjugal rights. H.M.O.P.No.128 of 2020 was filed by the petitioner/wife for divorce before the Subordinate Court, Palani, Dindigul District. It is further submitted that the petitioner is having a child and she is depending on her parents. In such circumstances, the petitioner could not able to travel from Palani to Coimbatore for attending every hearing in H.M.O.P.No.109 of 2020.The petitioner seeks transfer of H.M.O.P.No.109 of 2020 to the file of the Subordinate Court, Palani, Dindigul District to be tried along with H.M.O.P.No.128 of 2020.

3.Transfer of the case to the file of Subordinate Court, Palani, Dindigul is concerned, the learned counsel for the respondent has objected since the respondent has some health issues and it is difficult for him to travel to Palani, Dindigul District. The learned counsel for the respondent submits that if this Court feels to transfer the case, the same may be transferred to the file of Karur or any other centre place.

4.This Court has considered the submissions made on either



5.This Court is satisfied with the reasons stated in the affidavit filed in support of this petition.

6.Considering the facts and circumstances of the case and also considering the submissions made by both counsel, H.M.O.P.No.109 of 2020 from the file of the Subordinate Court, Mettupalayam, Coimbatore and H.M.,O.P.No.128 of 2020 from the file of the Subordinate Court, Palani, Dindigul District are withdrawn and transferred to the file of the Family Court, Dindigul for disposal as per law. The Subordinate Judge, Mettupalayam, Coimabatore and the Subordinate Judge, Palani, Dindigul District is directed to transmit the papers to the Family Court, Dindigul forthwith. The Judge, Family Court, Dindigul is directed to dispose of H.M.O.P.Nos.109 and 128 of 2020 on merits and in accordance with law as expeditiously as possible.

7.The personal appearance of the parties before the Family Court is dispensed with, except on the dates of hearing, on which, the learned Judge insists upon the parties to appear before the Court. On other hearing dates, the counsel on behalf of the parties may appear before the court.

8.This petition is allowed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

ASSISTANT REGISTRAR(CS-II)

/TRUE COPY/

/ /2021

SUB ASSISTANT REGISTRAR(CS)

To:

1. The Subordinate Judge
Mettupalayam, Coimbatore.
2. The Subordinate Judge
Palani, Dindigul District.
3. The Judge,
Family Court, Dindigul.

CM/msa (PA) SGS (CO)
RP/12.05.2021/2P/4C.

Order made in
Tr.C.M.P. (MD) No.80 of 2021
and
C.M.P. (MD)No.1463 of 2021
Dated:20.04.2021