



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 08.07.2021

CORAM:

THE HONOURABLE MR.JUSTICE A.A.NAKKIRAN

Tr.C.M.P. (MD) No.83 of 2020 and

CMP(MD) .No.1709 of 2020

Daria

... Petitioner/Respondent

-vs-

Sunil Samuel

.... Respondent/Petitioner

PRAYER: Transfer Civil Miscellaneous Petition is filed under Section 24 of the Code of Civil Procedure, to withdraw the case in D.O.P.No.91 of 2020 on the file of the Principal Family Judge, Coimbatore and transfer the same to the file of the Family Judge, Trichy.

For Petitioner : Mr.K.Arunraj

For Respondent : No appearance

O R D E R

The present Transfer Civil Miscellaneous Petition is filed to withdraw the case in D.O.P.No.91 of 2020 on the file of the Principal Family Judge, Coimbatore and transfer the same to the file of the Family Judge, Trichy.

2.The respondent/husband has filed D.O.P.No.91 of 2020 before Principal Family Judge, Coimbatore, for restitution of conjugal rights.

3.The learned counsel for the petitioner/wife submitted that the petitioner is living with her aged parents at Trichy and she has no source of income and she is depending on her parents for daily necessities. Since the respondent is having money power and muscle power, there would be a life threat at the hands of the respondent. The distance between Trichy and Coimbatore is nearly 210 kms. In such situation, it is highly difficult for the petitioner to attend every hearing in D.O.P.No.91 of 2020 before the Principal Family Court, Coimbatore. Therefore, he seeks to transfer the case to Trichy.



4. Though notice has been served to the respondent, the respondent has not chosen to appear either in person or through his counsel duly instructed.

5. Considering the facts and circumstances of the case and considering the submission made by the learned counsel for the petitioner, D.O.P.No.91 of 2020 is withdrawn from the Principal Family Court, Coimbatore and transferred to the file of Family Court, Trichy, for disposal as per law. The Judge, Principal Family Court, Coimbatore, is directed to transmit the papers to the file of the Family Court, Trichy, forthwith. The learned Judge, Family Court, Trichy, is directed to dispose of the case in D.O.P.No.91 of 2020 on merits and in accordance with law as expeditiously as possible.

6. The personal appearance of both parties before the Family Court, Trichy, 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.

7. In fine, this Transfer Civil Miscellaneous Petition is allowed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (AD II)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

msa

To:

1. The Judge, Principal Family Court, Coimbatore.
2. The Judge, Family Court, Trichy.

Order made in
Tr.C.M.P. (MD) No.83 of 2020 and
CMP (MD) .No.1709 of 2020

Dated:
08.07.2021

MGJ(15.07.2021) 2P 3C

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