



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED :15.04.2021

CORAM:

THE HONOURABLE MR.JUSTICE A.A.NAKKIRAN

Tr.C.M.P. (MD) No.85 of 2021

and

C.M.P. (MD)No.1771 of 2021

WEB COPY

Divya@Manju

... Petitioner/Respondent

-vs-

Jeyakumar

... Respondent/Petitioner

PRAYER: Transfer Civil Miscellaneous Petition is filed under Section 24 of the Code of Civil Procedure, to withdraw and transfer the HMOP.No.237 of 2019 on the file of the Sub Court, Palani Camp Court, Kodaikanal to the Family Court, Coimbatore.

For Petitioner : Mr.V.Selvakumar

For Respondent : Ms.Logapriya
For Mr.S.J.Chakkaravarthy

O R D E R

The present Transfer Civil Miscellaneous Petition is filed to withdraw the case in HMOP.No.237 of 2019 on the file of the Sub Court, Palani Camp Court, Kodaikanal and transfer the same to the file of the Family Court, Coimbatore.

2.The learned counsel for the petitioner/wife submits that the respondent/husband has filed HMOP.No.237 of 2019 before the Sub Court, Palani Camp Court, Kodaikanal for divorce. It is further submitted that the petitioner is residing at Sowripalayam, Coimbatore Taluk, Coimbatore District with her aged parents along with 3 months old baby. In such circumstances, it is difficult for the petitioner to travel from Coimbatore to Kodaikanal for attending every hearing in H.M.O.P.No.237 of 2019 on the file of the Sub Court, Palani Camp Court, Kodaikanal.

3. The learned counsel for the respondent submitted that though he has no objection for transferring the case, the case may be transferred to the file of any one of the Subordinate Courts in Coimbatore.

4. This Court is satisfied with the reasons assigned in the affidavit filed in support of this petition. Since the cases relating to family disputes are dealt with in Family Court, this



Court is not inclined to transfer the case to the Subordinate Court.

5. In view of the same, H.M.O.P.No.237 of 2019 is withdrawn from the file of the Sub Court, Palani Camp Court, Kodaikanal and transferred to the file of the Family Court, Coimbatore for disposal as per law. The Subordinate Judge, Palani Camp Court, Kodaikanal is directed to transmit the papers to the Family Court, Coimbatore, forthwith. The Judge, Family Court, Coimbatore is directed to dispose H.M.O.P.No.237 of 2019 on merits and in accordance with law.

6. The personal appearance of the parties before the Family Court is dispensed with, except on 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 petition is allowed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (AE)

// True Copy //

/ /2021

Sub Assistant Registrar (CS)

MSA/CM

To:

1. The Subordinate Judge
Palani Camp Court, Kodaikanal
2. The Judge, Family Court
Coimbatore.

+1 CC to M/s.S.J.CHAKKARAVARTHY, Advocate (SR-16108[F] dated 16/04/2021)

Order made in
Tr.C.M.P. (MD) No.85 of 2021
and
C.M.P. (MD) No.1771 of 2021

Dated:
15.04.2021

CN(03.05.2021) 2P 4C