



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED :15.07.2021

CORAM:

THE HONOURABLE MR.JUSTICE A.A.NAKKIRAN

Tr.C.M.P. (MD) No.196 of 2021

and

C.M.P. (MD)No.3782 of 2021

WEB COPY

Vishnuvarthini

... Petitioner/Respondent

-vs-

S.Prakash

... Respondent/Petitioner

PRAYER: Transfer Civil Miscellaneous Petition is filed under Section 24 r/w Section 151 of the Code of Civil Procedure, to withdraw H.M.O.P.No.495 of 2021 from the file of Family Court at Coimbatore and transfer the same to the file of Family Court at Tiruchirapalli, to conduct the proceedings along with the maintenance case in M.C.No.35 of 2020.

For Petitioner : Mr.R.Narayanan

For Respondent : Mr.K.Muraleedharan

O R D E R

The present Transfer Civil Miscellaneous Petition is filed to withdraw H.M.O.P.No.495 of 2021 from the file of Family Court at Coimbatore and transfer the same to the file of Family Court at Tiruchirapalli, to conduct the proceedings along with the maintenance case in M.C.No.35 of 2020.

2.The respondent/husband has filed HMOP.No.495 of 2021 before the Family Court, Coimbatore, for divorce. The petitioner/wife has filed M.C.No.35 of 2020 before the Family Court, Tiruchirappalli for maintenance.

3.The learned counsel for the petitioner/wife submitted that the petitioner is having a son, who aged about 9 years and she is living with her parents in Trichy. The respondent and his relatives have physically attacked the parents and relative of the petitioner. In such circumstance, it is difficult for the petitioner to travel from Trichy to Coimbatore for attending the Court hearing. Therefore, he prays to transfer the case to Trichy and to try along with M.C.No.35 of 2020.

4.The learned counsel for the respondent would submit that the respondent's parent are very aged persons and he is the only person looking after them and if the case is transferred to Trichy, the



respondent will be put to untold sufferings and hardship. Hence, he strongly opposed to transfer the case.

5.Considering the facts and circumstances of the case and considering the submission made by the learned counsel appearing on either side, HMOP.No.495 of 2021 is withdrawn from the Family Court, Coimbatore and transferred to the file of Family Court, Trichy, to be tried along with M.C.No.35 of 2020 for disposal as per law. The Judge, Family Court, Coimbatore is directed to transmit the papers to the Family Court, Trichy forthwith. The learned Judge, Family Court, Trichy is directed to club the proceedings in HMOP.No.495 of 2021 along with M.C.No.35 of 2020 together and dispose of the same 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 on the dates of hearing, when 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.

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

Sd/-

Assistant Registrar (T&P)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

msa/cp

To:

1.The Judge, Family Court, Coimbatore

2.The Judge, Family Court, Trichy.

+1 CC to M/s.T.BANUMATHY, Advocate (SR-22775[F] dated 15/07/2021)

+1 CC to M/s.K.MURALEEDHARAN, Advocate (SR-22800[F] dated 15/07/2021)

Order made in
Tr.C.M.P. (MD) No.196 of 2021

and
C.M.P. (MD) No.3782 of 2021

Dated:

15.07.2021