



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED :12.07.2021

CORAM:

THE HONOURABLE MR.JUSTICE A.A.NAKKIRAN

Tr.C.M.P. (MD) Nos.204 and 263 of 2021

and

CMP(MD) .Nos.3914 and 5325 of 2021

Tr.C.M.P. (MD) No.204 of 2021

P.Vijayakumar ... Petitioner / Respondent
-vs-

G.Ambika ... Respondent / Petitioner

PRAYER: Transfer Civil Miscellaneous Petition is filed under Section 24 of the Code of Civil Procedure, to withdraw the case in H.M.O.P.No.438 of 2021 on the file of the learned Additional Family Court, Coimbatore and transfer the same to the learned Principal Subordinate Court, Trichy.

For Petitioner : Mr.V.Karuna
For Respondent : Mr.K.P.Narayanakumar

Tr.C.M.P. (MD) No.263 of 2021

G.Ambika ... Petitioner / Petitioner
-vs-

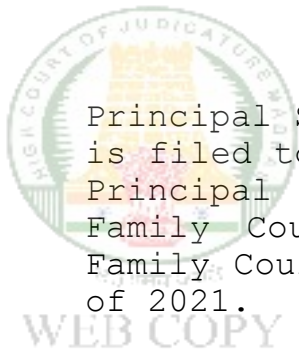
P.Vijayakumar ... Respondent / Respondent

PRAYER: Transfer Civil Miscellaneous Petition is filed under Section 24 of the Code of Civil Procedure, to withdraw the H.M.O.P.No.170 of 2020 from the file of the Principal Sub Court, Trichy and transfer the same to Additional Family Court, Coimbatore and consequently direct the Additional Family Court, Coimbatore, to try the case along with H.M.O.P.No.438 of 2021.

For Petitioner : Mr.K.P.Narayanakumar
For Respondent : Mr.V.Karuna

COMMON ORDER

Tr.C.M.P. (MD) No.204 of 2021 is filed to withdraw the case in H.M.O.P.No.438 of 2021 on the file of the learned Additional Family Court, Coimbatore and transfer the same to the learned



Principal Subordinate Court, Trichy and Tr.C.M.P.(MD) No.263 of 2021 is filed to withdraw the H.M.O.P.No.170 of 2020 from the file of the Principal Sub Court, Trichy and transfer the same to Additional Family Court, Coimbatore and consequently direct the Additional Family Court, Coimbatore, to try the case along with H.M.O.P.No.438 of 2021.

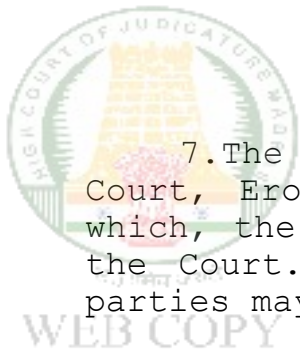
2.The respondent/wife in Tr.C.M.P(MD) No.204 of 2021 has filed H.M.O.P.No.438 of 2021 before the learned Additional Family Court, Coimbatore, for restitution of conjugal rights. The petitioner/husband in Tr.C.M.P(MD) No.204 of 2021 has filed HMOP No.170 of 2020 before the learned Principal Subordinate Judge, Trichy, for divorce.

3. The learned counsel for the petitioner/husband in Tr.C.M.P (MD) No.204 of 2021 submitted that the respondent/wife residing at Pudukkottai District and her parents also living in the same District. In order to harass the petitioner, the respondent has filed the H.M.O.P.No.438 of 2021 at Coimbatore. The distance between Trichy to Coimbatore is nearly 210 kms. Therefore, it is difficult for the petitioner to attend the case hearings in H.M.O.P.No.438 of 2021.

4. The learned counsel for the respondent/wife in Tr.C.M.P(MD) No.204 of 2021 submitted that the petitioner and the respondent were lastly residing at Coimbatore and the respondent is also working there. Since the respondent is working in a private concerned, getting leave is very difficult and also she is not in a position to travel long distance from Coimbatore to Trichy to attend the case hearing and no one available to accompany with her to travel for long distance. He further submitted that the respondent/wife is affected with back pain and uterus problem and she could not able to travel such a long distance. Moreover, there is life threat at the hands of the petitioner/husband. Therefore, the respondent has strongly opposed to transfer the case.

5.Considering the submissions made by the learned counsel appearing for both sides, this Court feels to transfer the cases to the file of the Family Court, Erode.

6.Accordingly, HMOP.No.438 of 2021 on the learned Additional Family Court, Coimbatore and H.M.O.P.No.170 of 2020 on the file of the Principal Sub Court, Trichy, are withdrawn and transferred to the file of Family Court, Erode, for disposal as per law. The learned Judge, Additional Family Court, Coimbatore and the learned Principal Subordinate Judge, Trichy, are directed to transmit the respective papers to the Family Court, Erode, forthwith. The learned Judge, Family Court, Erode, is directed to club the case in HMOP.No.438 of 2021 along with H.M.O.P.No.170 of 2020 together and dispose of the same on merits and in accordance with law as soon as possible.



7. The personal appearance of both parties before the Family Court, Erode, 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.

8. In fine, these Transfer Civil Miscellaneous Petitions are disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (AE)

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/ /2021

Sub Assistant Registrar(CS)

msa/cp

To:

1. The Additional Family Court, Coimbatore
2. The Principal Sub Court, Trichy,
3. The Family Court, Erode.

**Tr.C.M.P. (MD) Nos.204 and 263 of 2021
and**

**CMP (MD) .Nos.3914 and 5325 of 2021
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RC (19.07.2021) 3P-4C