



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 23.12.2021

CORAM:

THE HONOURABLE MS.JUSTICE P.T.ASHA

Tr.C.M.P. (MD) No.523 of 2021
and
C.M.P. (MD) No.9629 of 2021

Sumitha .. Petitioner/Respondent

-VS-

M.Nishanth .. Respondent/Petitioner

Prayer :- Petition filed under Section 24 Civil Procedure Code to withdraw H.M.O.P.No.1237 of 2021 on the file of the Principal Family Court, Coimbatore and also to transfer the same to the file of the Family Court, Kanyakumari at Nagercoil.

For Petitioner : Mr.Raguvaran Gopalan

For Respondent : No appearance

ORDER

This Transfer Civil Miscellaneous Petition is filed to transfer the proceedings in H.M.O.P.No.1237 of 2021 pending on the file of the Principal Family Court, Coimbatore, to the file of the Family Court, Kanyakumari at Nagercoil, which has been filed by the respondent herein to declare the marriage between him and the petitioner herein as void.

2.The petitioner is living with her parents at Nagercoil. The respondent is also not paying any maintenance to the petitioner, who is unemployed. She has also filed a petition for restitution of conjugal rights on the file of the Family Court, Kanyakumari at Nagercoil in H.M.O.P.No.1254 of 2021. The petition filed by the husband is pending on the file of the Principal Family Court, Coimbatore, where the presence of the petitioner for every hearing is mandatory. The petitioner, who is living in Nagercoil, has to travel all the way to Coimbatore to attend the hearing and considering the fact that the respondent is not maintaining the petitioner, it would be an additional financial burden on the petitioner's parents, who are already taking care of her, despite giving her marriage.



3. In the above circumstances, the request of the petitioner is granted and accordingly, this Transfer Civil Miscellaneous Petition is allowed and the petition in H.M.O.P.No.1237 of 2021 pending on the file of the Principal Family Court, Coimbatore, is transferred to the Family Court, Kanyakumari at Nagercoil to be tried along with H.M.O.P.No.1254 of 2021. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-II)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

abr

Note:-

In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the Advocate / litigant concerned.

To

1.The Principal Family Court,
Coimbatore.

2.The Family Court, Kanyakumari at
Nagercoil.

+1 CC to M/s.K.PRABHAKAR, Advocate (SR-40382[F] dated 23/12/2021)

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RK/CK(03/02/2022) 2P 4C