



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.03.2022

CORAM

THE HONOURABLE Ms. JUSTICE P.T.ASHA

Tr.C.M.P.No.103 of 2022
and
C.M.P.No.1887 of 2022

E. Mohanapriya ...Petitioner/Respondent

-Vs-

A.Bharathi Raja ...Respondent/Petitioner

PRAYER: Petition filed under Section 24 of the Code of Civil Procedure, to withdraw H.M.O.P.No.303 of 2021 on the file of the learned II Additional Sub Judge, Coimbatore and transfer the same to the file of the learned Sub Judge, Gobichettipalayam, Erode District.

For Petitioner : Mr.V.P.K. Gowtham
For Respondent : Mr.V.Bharathidasan

ORDER

The above application is filed by the wife seeking transfer of H.M.O.P.No.303 of 2021 on the file of the II Additional Sub Court, Coimbatore to the file of the Sub Court, Gobichettipalayam, Erode District, to be tried along with H.M.O.P.No.105 of 2021 filed by the petitioner herein for divorce.

2.The respondent who has entered appearance through counsel would submit that he is apprehensive about the transfer as he was assaulted by the petitioner's people and he had already suffered humiliation when he visited the petitioner at her place to see his child. In fact, the petition for divorce itself was filed immediately and the respondent issued a reply to the petitioner in H.M.O.P.No.105 of 2021 that he wanted to continue his matrimonial life with the petitioner and the child.



3. Heard the learned counsel for the petitioner and the learned counsel for the respondents and perused the papers.

4. The matter is sought to be transferred to the Sub Court, Gobichettipalayam, where the presence of the parties is not required. Therefore, the fear of the respondent is ill-founded.

5. In these circumstances, taking into account the reasons given by the petitioner in her petition seeking transfer, particularly, the fact that she is taking care of her four year old child and the fact that the respondent is employed at Kuwait, the Transfer Civil Miscellaneous Petition is allowed and H.M.O.P.No.303 of 2021 pending on the file of the II Additional Sub Court, Coimbatore, is withdrawn and transferred to the file of the Sub Court, Gobichettipalayam, Erode District, to be heard along with H.M.O.P.No.105 of 2021. No costs. Consequently, connected Miscellaneous Petition is closed.

s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

mps

To

1. The II Additional Sub Judge,
Coimbatore.

2. The Sub Judge,
Gobichettipalayam,
Erode District

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and
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GMR (CO)
SP (05/05/2022)