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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.04.2022

CORAM

THE HONOURABLE MS.JUSTICE P.T. ASHA

TR.C.M.P.NO.202 OF 2022

&

C.M.P.NO.4142 OF 2022

T.Kamala

...Petitioner

Vs

E.Arun Prathap

...Respondent

Prayer: The petition is filed under Section 24 of the Code of Civil Procedure to withdraw the proceedings in O.P.No.630 of 2020 on the file of the III Additional Family Court, Chennai and transfer the same to the II Additional Subordinate Judge of Coimbatore to be tried along with H.M.O.P.No.64 of 2021.

For Petitioner : Ms.M.Urmila

For Respondent : Mr.D.Stephen

ORDER

The above petition is filed by the wife seeking transfer of O.P.No.630 of 2020 filed by the husband seeking to declare their marriage as null and void, on the file of the III Additional Family Court, Chennai to the file of the II Additional Sub Court, Coimbatore to be tried along with H.M.O.P.No.64 of 2021 filed by the wife for restitution of conjugal rights.

2. The petitioner wife would submit that she is residing at Coimbatore. The petitioner would state that she is unemployed and it is extremely difficult for her to incur travel and accommodation expenses. The petitioner would state that the respondent, at the time of filing of his petition for divorce had undertaken to provide travel expenses to the petitioner wife but had failed to provide the same.

3. It is the case of the petitioner that she has filed H.M.O.P.No.64 of 2021 on the file of the II Additional Sub Court, Coimbatore seeking restitution of conjugal rights. Therefore, the petition filed by the husband on the file of the III Additional Family Court, Chennai may be transferred to the



file of the II Additional Sub Court, Coimbatore to be tried along with H.M.O.P.No.64 of 2021.

4. Heard the learned counsel and perused the records.

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5. Admittedly, the petitioner is residing at Coimbatore. It is also seen that the petitioner has filed H.M.O.P.No.64 of 2021 on the file of the II Additional Sub Court, Coimbatore seeking restitution of conjugal rights. Further, the respondent has not cared to maintain his wife.

6. Considering the fact that the petitioner is residing at Coimbatore and also taking into account the fact that the petitioner has filed H.M.O.P.No.64 of 2021 on the file of the II Additional Sub Court, Coimbatore seeking restitution of conjugal rights, Tr.C.M.P.No.202 of 2022 is allowed. Accordingly, O.P.No.630 of 2020 pending on the file of the III Additional Family Court, Chennai is withdrawn and transferred to the file of the II Additional Sub Court, Coimbatore to be tried along with H.M.O.P.No.64 of 2021. Consequently, connected Civil Miscellaneous Petition is closed. No costs.

Sd/-

Assistant Registrar(CCC)

// True Copy //

Sub Assistant Registrar

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To

1.The III Additional Family Court,
Chennai.

2.The II Additional Sub Court,
Coimbatore

+1cc to Mr.D.Stephen, Advocate Sr.No.29425

+1cc to Mr.M.Urmila, Advocate Sr.No.29966

Tr.C.M.P.No.202 of 2022

MT(CO)
RVM(19/05/2022)