



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.04.2022

CORAM

THE HONOURABLE MS.JUSTICE P.T.ASHA

TR.CMP.NO.199 OF 2022

AND

C.M.P.NO.4061 OF 2022

T.Jayalakshmi

... Petitioner

Vs

V.M.Chiambaram

... Respondent

PRAYER: Petition filed under Section 24 of the Code of Civil Procedure, to withdraw the HMOP NO.149 of 2021 from the file of the Subordinate, Judge, Devakkottai and transfer the same to the Family Court, Tiruppur, and trial along with HMOP No.484 of 2021.

For Petitioner : Mr.K.S.Jeyaganeshan

For Respondent : M/s.A.L.Ganthimathi

ORDER

The respondent/wife in a petition for divorce filed by the husband on the file of the Subordinate Judge, Devakkottai in HMOP No.149 of 2021 is the petitioner before this Court. The petitioner seeks to withdraw the same from the file of the Subordinate Judge, Devakkottai and transfer the same to the file of the Family Court at Tiruppur.

2. The petitioner's reasons for seeking transfer is on the ground that the petitioner herein has filed a petition for restitution of conjugal rights in H.M.O.P.No.484 of 2021 which is pending on the file of the Family Court, Tiruppur. She would submit that the distance between her native place and the Subordinate Court at Devakottai is nearly 300 Kms. She would also submit that she is afraid of attending the Court at Devakkottai in view of the conduct and apparent threat made by the respondent in earlier occasions.



3. The respondent/ husband who has entered appearance through counsel has filed a counter refuting the allegations made in the Petition. The learned counsel would further submit that the Court at Tiruppur is a Family Court, whereas the matter is now pending before a Sub Court where the presence of parties for every hearing is not required. The allegations made by the petitioner/wife contained in paragraphs 8 and 9 of the counter have been denied. The only apprehension that has been expressed by the respondent's counsel is that the respondent/husband is a Physiotherapist who practices at Chennai and Bangalore and if the matter is posted before a Family Court, he would be forced to appear for every hearing.

4. Heard the learned counsels on either side.

5. Considering the submissions made by both the parties. The Transfer Civil Miscellaneous Petition is allowed with a direction that the Family Court at Tiruppur shall not insist upon the presence of the respondent/husband for every hearing except for attending the counselling sessions and for adducing evidences.

6. With the above directions, the Transfer Civil Miscellaneous Petition is allowed and H.M.O.P.No.149 of 2021, pending on the file of the Subordinate Court, Devakkottai is withdrawn and transferred to the file of the Family Court, Tiruppur to be tried along with HMOP No.484 of 2021. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar(CS-V)

//True Copy//

Sub Assistant Registrar

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To

1. The Subordinate Court, Devakkottai.

2. The Family Court, Tiruppur.

+lcc to M/s.A.L.Ganthimathi, Advocate, S.R.No.28811

+lcc to Mr.K.S.JeyaGaneshan, Advocate, S.R.No.28266

Tr.CMP.No.199 of 2022

and

C.M.P.No.4061 of 2022

AK-II(CO)

RLP(01/06/2022)