



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.06.2022

CORAM :

THE HONOURABLE MS. JUSTICE R.N.MANJULA

Tr.C.M.P. No.315 of 2022
and C.M.P.No.6344 of 2022

M.Geetha

... Petitioner

..Vs..

Sasikanth

... Respondent

Prayer:- Petition is filed under Section 24 of C.P.C., to withdraw and transfer the H.M.O.P.No.1282 of 2021 pending on the file of the Additional Family Court, Coimbatore and transfer the same on the file of the Family Court, Chennai.

For Petitioner : Mr.S.Kingston Jerold

For Respondent : No appearance

O R D E R

This Transfer Petition is filed by the petitioner/wife to withdraw and transfer the H.M.O.P.No.1282 of 2021 filed by the respondent/husband on the file of the Additional Family Court, Coimbatore to the Family Court, Chennai.

2.The petitioner is the wife and respondent is the husband. The marriage between the petitioner and respondent was solemnized on 06.09.2019 as per Hindu rites and customs. After marriage, both the petitioner and respondent lived in the matrimonial home for a period of three months. Since she did not conceive, the respondent along with his family members used to pick up quarrel with the petitioner. After making consultation with the Doctor, she was advised to remove the Thyroid gland and accordingly, the petitioner underwent surgery for the same. After the surgery, due to the health condition of the petitioner, she was driven out from the matrimonial home, by the respondent and his family members. Thereafter, the respondent/husband filed H.M.O.P.No.1282 of 2021 on the file of the Additional Family Court, Coimbatore for divorce.

3.According to the petitioner, she is residing with her widowed mother at Chennai and it would be difficult for her to



travel all along from Chennai to Coimbatore. Her aged mother also could not accompany her for attending the Court proceedings. In these circumstances, the petitioner has come out with the present Tr.C.M.P. to transfer H.M.O.P.No.1282 of 2021 on the file of the Additional Family Court, Coimbatore.

4. Heard the learned counsel appearing for the petitioner and perused the materials available on record. Though the respondent served with notice and his name has been printed in the cause list, there is no representation for the respondent either in person or through counsel.

5. Taking into consideration the facts and circumstances of the case and looking into the grievance expressed by the petitioner and relying on the judgment of the Hon'ble Supreme Court reported in 2008 (9) SCC 353 [Arti Rani @ Pinki Devi and another Vs. Dharmendra Kumar Gupta] and AIR 2002 SC 396 [Sumita Singh Vs. Kumar Sanjay and another], I feel that the convenience of the petitioner, who is the wife should be considered and preferred.

6. Hence, the transfer Civil Miscellaneous Petition is allowed. H.M.O.P.No.1282 of 2021 pending on the file of the Additional Family Court, Coimbatore, shall stand withdrawn and transferred to the file of the Family Court, Chennai. The learned Judge, Additional Family Court, Coimbatore is directed to transmit all the records pertaining to H.M.O.P.No.1282/2021 to the file of the Family Court, Chennai, within a period of two weeks from the date of receipt of a copy of this order. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar (CS-V)

//True Copy//

Sub Assistant Registrar

vkr

To

1. The Additional Judge, Family Court, Coimbatore.
2. The Judge, Family Court, Chennai.

Tr.C.M.P. No.315 of 2022
and C.M.P.No.6344 of 2022

SMI (CO)
SB(17/06/2022)