



WEB COPY



Tr.CMP.Nos.453, 455 & 456 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.11.2022

CORAM:

THE HONOURABLE MR.JUSTICE S.SOUNTHAR

Tr.CMP.Nos.453, 455 & 456 of 2022

and

CMP.No.8269 of 2022

G.Saranya

... Petitioner in all Tr.CMPs.

Vs.

Pravinkumar

... Respondent in all Tr.CMPs.

Prayer in Tr.CMP.No.453/2022: Transfer Civil Miscellaneous Petition filed under Section 24 of CPC, to grant an order the withdrawal of M.C.No.117 of 2020, pending on the file of the Court of the learned Family Court, Coimbatore and transfer the same to any other Court which is suitable and having jurisdiction to try the case in Family Court, Erode.



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Prayer in Tr.CMP.No.455/2022: Transfer Civil Miscellaneous Petition filed under Section 24 of CPC, to grant an order the withdrawal of HMOP.No.1642 of 2021 pending on the file of the Court of the learned Family Court, Coimbatore and transfer the same to any other Court which is suitable and having jurisdiction to try the case in Family Court, Erode.

Prayer in Tr.CMP.No.456/2022: Transfer Civil Miscellaneous Petition filed under Section 24 of CPC, to grant an order the withdrawal of HMOP.No.662 of 2017 pending on the file of the Court of the learned Family Court, Coimbatore and transfer the same to any other Court which is suitable and having jurisdiction to try the case in Family Court, Erode.

For Petitioner in
all Tr.CMPs. : Mr.V.Balamurugan
For Respondent
in all Tr.CMPs. : Mr.Dr.S.S.Swaminathan

COMMON ORDER

These transfer petitions are filed by the petitioner/wife seeking transfer of petition for maintenance filed by her, petition for



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divorce filed by the respondent/husband and a petition for restitution of conjugal rights filed by her before the learned Family Court, Coimbatore to the file of the learned Family Court, Erode.

2. According to the petitioner/wife, she filed M.C.No.117 of 2020 against the respondent seeking maintenance and she also filed HMOP.No.1642 of 2021 seeking restitution of conjugal rights. The respondent on his part filed HMOP.No.662 of 2017 seeking divorce, which are pending on the file of the learned Family Court, Coimbatore. Now, the petitioner has come up with this transfer petitions seeking transfer of all cases to Erode, mainly on the ground that she is currently living in a rented house at Erode and she is not able to attend the proceedings at Coimbatore along with her aged parents and daughter.

3. After service of notice on the respondent, he entered appearance and filed counter affidavit. In para No.14 of the counter affidavit, it is specifically mentioned by the respondent/husband that the



petitioner/wife is still living at Coimbatore and she has not shifted to Erode as alleged in the affidavit filed in the transfer petition. It was further averred by him that their daughter Navinya is studying at Infant Jesus Nursery and Primary School, LIC Colony, Kurichi at Coimbatore. He also averred that he has been paying her school fees till the current academic year.

4. The respondent also stated that the petitioner is still working at Pralochna Designs, in R.S.Puram, at Coimbatore. He also filed photographs in support of his claim, wherein the child is in front of the School at Coimbatore and the petitioner is sitting in Pralochna Design in R.S.Puram.

5. The learned counsel for the petitioner took time to get instructions from the petitioner regarding averments in the counter affidavit. Till today, the petitioner has not filed any reply affidavit disputing the averments made by the respondent that the petitioner and



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her child are still staying at Coimbatore. In those circumstances, the respondent/husband made out a case for dismissal of transfer petition.

Hence the prayer seeking transfer of all these cases to the learned Family Court, Erode, cannot be granted.

6. Accordingly, these Transfer Civil Miscellaneous Petitions are dismissed. No costs. Consequently, connected Civil Miscellaneous Petition is closed.

28.11.2022

Index : Yes / No
Internet : Yes / No
dna

To

- 1.The Family Court, Coimbatore
- 2.The Family Court, Erode.



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