



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.01.2022

CORAM:

THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN

Tr.C.M.P.No.491 of 2021

And

C.M.P.No. 13266 of 2021

Mrs. Aiswariya

... Petitioner

Vs.

Mr.Mahendran

... Respondent

PRAYER: Transfer Civil Miscellaneous Petition filed under Section 24 of Code of Civil Procedure, praying to withdraw the H.M.O.P.No. 30 of 2020 on the file of Sub Court at Ambadsamudram and transfer to the file of Family Court at Coimbatore.

For Petitioner : Mr. D.Padmanabhan

For Respondent : Ms. M.Akkila

O R D E R

The petitioner/wife seeks transfer of H.M.O.P.No. 30 of 2020 on the file of the Sub-Court, Ambasamudram to the Family Court, Coimbatore, to be tried along with M.C.No. 42 of 2021.

2. The husband is a resident of Ambasamudram while the wife is a resident at Athipalayam near Coimbatore. Transfer is sought for mainly on the ground of convenience of the wife.

3. The husband would submit that the husband is a physically challenged person, having 55% disability caused by Polio attack. According to Ms. M.Akkila, learned counsel appearing for the husband, it will be difficult for him to travel to Coimbatore for every hearing.

4. In view of the fact that the maintenance case has been filed by the wife in the Family Court at Coimbatore in M.C.No. 42 of 2021, the husband will have to anyway appear before the Family Court in the said maintenance case. Hence, transfer of H.M.O.P.No. 30 of 2020 to the Family Court, Coimbatore is inevitable.

5. Accordingly, H.M.O.P.No. 30 of 2020 is withdrawn from



the file of Sub Court, Ambasamudram and transferred to the file of Family Court, Coimbatore. The same shall be heard along with M.C.No. 42 of 2021. The personal appearance of the husband is dispensed with for all non essential hearings. The Family Court, Coimbatore, shall not insist upon the presence of the husband for every hearing in both the cases. The Family Court, Coimbatore, is directed to dispose of both H.M.O.P.No. 30 of 2020 and M.C.No. 42 of 2021 within a period of one year from the date of receipt of the records from the transferor Court.

6. With the above direction, this Transfer Civil Miscellaneous Petition is allowed. Consequently, connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

vsg

To

1. The Judge, Family Court,
Coimbatore.
2. Subordinate Court,
Ambasamudram.

+1cc to Mr. D.Padmanabhan, Advocate, S.R.No.163
+1cc to Ms. M.Akkila, Advocate, S.R.No.66

Tr.C.M.P.No.491 of 2021
And
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CJ(CO)
CT 31/01/2022