



Tr.C.M.P.Nos.684 & 685 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.09.2022

CORAM:

THE HONOURABLE Mr. JUSTICE S.SOUNTHAR

Tr.C.M.P.Nos.684 & 685 of 2022

and

C.M.P.Nos.11751 & 11755 of 2022

N.Preethi

... Petitioner
in both Tr.C.M.Ps

Vs.

M.Shankar

... Respondent
in both Tr.C.M.Ps

Prayer in Tr.C.M.P.No.684 of 2022: Transfer Civil Miscellaneous Petition is filed under Section 24 of Civil Procedure Code, 1908, praying to transfer the case proceedings in G.W.O.P.No.66 of 2022 on the file of the Family Court, Dharmapuri and transfer the same to the Family Court, Coimbatore and to conduct joint trial along with H.M.O.P.No.1464 of 2018 before the Family Court, Coimbatore.

Prayer in Tr.C.M.P.No.685 of 2022: Transfer Civil Miscellaneous Petition is filed under Section 24 of Civil Procedure Code, 1908, praying to transfer the case proceedings in H.M.O.P.No.62 of 2022 on the file of the Family Court, Dharmapuri and transfer the same to the Family Court, Coimbatore and to conduct joint trial along with H.M.O.P.No.1464 of 2018 before the Family Court, Coimbatore.



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For Petitioner : Mr.R.Thirumoorthy
for Mr.T.Elumalai
For Respondent : Mr.V.R.Annagandhi

COMMON ORDER

The petitioner/wife seeks transfer of petitions filed by the respondent/husband in G.W.O.P.No.66 of 2022 and H.M.O.P.No.62 of 2022 on the file of the Family Court, Dharmapuri to the file of the Family Court, Coimbatore, for joint trial along with H.M.O.P.No.1464 of 2018 before the Family Court, Coimbatore, filed by the petitioner/wife for restitution of conjugal rights.

2. According to the petitioner/wife, she is residing at Coimbatore along with her parents. She also stated that she is having a School going female child aged about 13 years. In view of the fact that she has School going Child, it is very difficult for her to travel to Dharmapuri for the purpose of attending each and every hearing at Family Court proceedings in G.W.O.P.No.66 of 2022 and in H.M.O.P.No.62 of 2022 filed by the respondent/husband, seeking custody of his minor child and for divorce. Therefore, she filed this petition for the aforesaid prayer.



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3. The learned counsel for the respondent opposes the petitions on the ground that the petitioner/wife is only a temporary resident at Coimbatore, however, her native place is Salem. Therefore, the learned counsel for the respondent requests this Court to transfer the petitions to the Family Court, Salem instead of the Family Court, Coimbatore.

4. It is well settled law that in respect of cases involving matrimonial dispute, preference shall be given to the convenience of the petitioner/wife.

5. In the case on hand, the petitioner/wife is temporarily residing at Coimbatore along with her parents with a School going child. As per the averments found in the affidavit filed by the petitioner/wife, it is clear that she is having child aged about 13 years and it would be very difficult for her to travel to Dharmapuri to attend each and every hearing at Family Court, Dharmapuri. Due to advanced age of her parents, they are also not in a position to accompany her to undertake such a long travel for attending the Court proceedings. Considering the above, this Court is inclined to allow the transfer petitions as prayed for.



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6. Accordingly, the Transfer Civil Miscellaneous Petitions are allowed by withdrawing the petition filed by the respondent/husband in G.W.O.P.No.66 of 2022 for appointment of the respondent/husband as Guardian for his minor child viz., S.Srisha and to direct the petitioner/wife to hand over the custody of the minor child and the petition for divorce filed by the respondent/husband in H.M.O.P.No.62 of 2022 pending on the file of the Family Court, Dharmapuri and transferring the same to the file of the Family Court, Coimbatore for joint trial along with H.M.O.P.No.1464 of 2018 filed by the petitioner/wife for restitution of conjugal rights. No costs. Consequently, connected miscellaneous petitions are closed.

21.09.2022

(1/2)

Index : Yes/No

Speaking Order : Yes/No

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To

1.The Family Court,
Dharmapuri.

2.The Family Court,
Coimbatore.



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S.SOUNTHAR, J.
arb

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