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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.02.2022

CORAM

THE HONOURABLE MS. JUSTICE P.T.ASHA

Tr.CMP. No.709 of 2021

and

C.M.P.No.17458 of 2021

S.Gayathri

... Petitioner

Vs

B.Bharath Kumar

... Respondent

PRAYER: Petition filed under Section 24 of the Code of Civil Procedure, to withdraw H.M.O.P.No.757 of 2020 on the file of Family Court, Coimbatore and transfer it to the file of the Family court, Erode to be heard along with H.M.O.P.No326 of 2020, pending on its file.

For Petitioner : S.Kaithamalai Kumaran

For Respondent : No appearance.

ORDER

The wife has filed this Transfer Civil Miscellaneous Petition, seeking to transfer the H.M.O.P.No.757 of 2020 pending on the file of the Family Court, Coimbatore to the file of the Family Court, Erode. This petition is filed by the petitioner/wife for restitution of Conjugal Rights in H.M.O.P.No.326 of 2020.

2. The respondent who has been served with the notice has not chosen to appear either in person or through a pleader.

3. A perusal of the records would show that the matter is now pending before the Family Court at Coimbatore, where the presence of the parties are mandatory. The petitioner is residing at Erode, in her parental home and it is not possible for her to travel alone to Coimbatore and she would have to take



the assistance of another person to come over to Combatore. That apart, the petitioner's place of residence also confers jurisdiction for trying the petition for Divorce filed by the husband.

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4. In the above circumstanes, the Transfer Civil Miscellaneous Petition is therefore allowed and the H.M.O.P.No.757 of 2020, pending on the file of the Family Court, Coimbatore, is withdrawn and transfered to the file of the Family Court, Erode to be heard along with H.M.O.P.No.326 of 2020. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

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To

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

+lcc to M/s.S.Kaithamalai Kumaran, Advocate, S.R.No.8895

Tr.CMP. No.709 of 2021

PMK (CO)
SU (28/02/2022)