



WEB COPY

Tr.C.M.P.No.825 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.12.2022

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

Tr.C.M.P.No.825 of 2022

and

C.M.P.No.14298 of 2022

Kiruba @ Sumathi

... Petitioner

Vs.

Benni @ Ashok Kumar

... Respondent

Prayer: Transfer CMP is filed under Section 24 of the Civil Procedure Code, to withdraw OP No.88 of 2022 on the file of Principal District Court, Coimbatore and transfer the same to the file of District Court, Erode.

For Petitioner : M/s.J.Prithivi

For Respondent : No Appearance
(Notice Served)

ORDER

The petition for transfer is filed to withdraw OP No.88 of 2022 on the file of the Principal District Court, Coimbatore and transfer the same to Principal District Court, Erode.



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2. The marriage between the petitioner and the respondent was solemnised on 16.11.2011 as per the Christian Rites and Customs. Twin children were born from and out of wedlock between the petitioner and the respondent and they are aged about 10 years. Both the children are now living with the petitioner. Due to misunderstanding, the petitioner and the respondent are living separately. The respondent filed OP No.88 of 2022 for Restitution of Conjugal Rights on the file of the Principal District Court at Coimbatore.

3. The learned counsel for the petitioner states that the petitioner has to take care of her twin children and therefore, she is not in a position to travel from Vigayamangalam, Perundurai Taluk for the purpose of contesting the case filed by the respondent in OP No.88 of 2022. Further the petitioner is unemployed and depending on her parents.

4. That being the factum, this Court is inclined to consider the Transfer Petition. Accordingly, OP No.88 of 2022 pending on the file of the Principal District Court, Coimbatore stands transferred to the Principal



District Court at Erode forthwith. The Principal District Court, Coimbatore is directed to transmit the case papers to the Principal District Court at Erode, within a period of four (4) weeks from the date of receipt of a copy of this order.

5. With the abovesaid directions, the Transfer Civil Miscellaneous Petition stands allowed. However, there shall be no order as to costs. Consequently, the connected miscellaneous petition is closed.

06.12.2022

Jeni
Index : Yes
Speaking order

To

1.The Judge,
Principal District Court,
Coimbatore.

2.The Judge,
District Court,
Erode.



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S.M.SUBRAMANIAM, J.

Jeni

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