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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.02.2022

CORAM

THE HONOURABLE Ms. JUSTICE P.T. ASHA

Tr.C.M.P.No.743 of 2021

&

C.M.P.No.17882 of 2021

P.Gracy Shalin Angelin ... Petitioner/Respondent
Vs

P.Parkins Daniel ... Respondent/Petitioner

Prayer: Transfer Civil Miscellaneous Petition is filed under Section 24 of the Code of Civil Procedure to withdraw I.D.O.P.No.175 of 2021 from the file of the Family Court, Chengalpattu and transfer the same to the file of the Additional Family Court, Coimbatore.

For Petitioner : Mr.M.Venkadesh Kumar

For Respondent : Mr.Duraikkan S.Phillip

ORDER

The above Transfer Civil Miscellaneous Petition is filed seeking transfer of the proceedings filed by the respondent husband for the restitution of the conjugal rights on the file of the Family Court, Chengalpattu to the Additional Family Court, Coimbatore.

2.The grounds on which the transfer was sought for are as follows.

(a) The petitioner has earlier filed a petition for divorce in I.D.O.P.No.618 of 2019 on the file of the Additional Family Court, Coimbatore and the present petition for restitution of conjugal rights is only a counter blast.

(b) The petitioner has not been supported financially by the respondent and she also has to take care of her minor daughter who is aged about 5 years.

(c) Since the matter is posted before the Family Court, Chengalpattu she has to travel from Coimbatore to Chengalpattu



for every hearing and being a lady she would definitely have to take the assistance of someone to accompany her. She would also have to stay over at Chengalpattu, all of which would be a huge financial burden on her.

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3. The respondent has entered appearance through counsel.

4. Considering the reasons that has been put forward by the petitioner and also taking note of the fact that the petitioner is residing at Coimbatore, the Transfer Civil Miscellaneous Petition is allowed. Accordingly, I.D.O.P.No.175 of 2021 pending on the file of the Family Court, Chengalpattu is withdrawn and transferred to the file of the Additional Family Court, Coimbatore to be tried along with I.D.O.P.No.618 of 2019. Consequently, connected Civil Miscellaneous Petition is closed. No costs.

Sd/-
Assistant Registrar (CS-II)

//True Copy//

Sub Assistant Registrar

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To

1. The Judge,
The Family Court,
Chengalpattu.
2. The Judge,
The Additional Family Court,
Coimbatore.

+1cc to Mr.M.Venkadesh Kumar, Advocate, S.R.No.8543

+1cc to Mr.Duraikkan S.Philip, Advocate, S.R.No.8464

Tr.C.M.P.No.743 of 2021

AK-II (CO)
SU (23/02/2022)