



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15.03.2022

C O R A M

THE HONOURABLE MS.JUSTICE P.T.ASHA

TR. C.M.P. NO.765 OF 2021
AND C.M.P. NO.18123 OF 2021

Sheeba Angeline

... Petitioner

Versus

A. Charles Bharath Priyan

...Respondent

Prayer:

Transfer Civil Miscellaneous Petition filed under Section 24 of the Civil Procedure Code to withdraw and transfer the divorce original petition in F.C.O.P.No.227 of 2020 from the Principal District Family Court, Vellore to Principal District Family Court, Coimbatore or any competent Court to try the same.

For Petitioner ... Mr.S.Ravichandran

For Respondent ... Mr.Durai Murugan

O R D E R

This petition is filed by the wife seeking transfer of F.C.O.P.No.227 of 2020 filed by her husband for divorce, pending on the file of the Family Court, Vellore to the file of the Principal District Family Court, Coimbatore.

2. The petitioner has filed the above transfer petition on the following grounds:

(i) The petitioner is staying with her parents in Coimbatore and she does not have independent source of income.

(ii) The petitioner finds it very difficult to travel alone all the way from Coimbatore to Vellore. Since she is dependent on her parents financially, she



could not afford the expenses to attend the hearings in Vellore.

3. Heard the learned counsel for the petitioner and the learned counsel for the respondent.

4. The respondent-husband has filed a counter affidavit stating that he is working at Vellore and on the days of Court hearings, he would have to take leave for one day to attend the case but if the case is transferred to Coimbatore, he would be forced to take leave for a couple of days. It would be an additional burden for him to travel to Coimbatore for attending Court hearing and therefore, the petitioner-wife can very well attend the Court in Vellore itself and take part in the proceedings and it is the petitioner, who had left her matrimonial home deserting the husband and she cannot now insist on her husband coming over to Coimbatore. Therefore, the Transfer Civil Miscellaneous Petition may be dismissed.

5. Taking into account the grievances expressed by the learned counsel for the petitioner, the Transfer Civil Miscellaneous Petition is allowed and F.C.O.P.No.227 of 2020 pending on the file of the Family Court, Vellore is withdrawn and it shall stand transferred to the file of the Principal District Family Court, Coimbatore. However, considering the fact that the respondent-husband is now working at Vellore, his presence for all the hearings is dispensed with, except when he is required to be present for counselling and for adducing evidence. No costs. Consequently, connected Civil Miscellaneous Petition is closed.

Sd/-

Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

srn/ab

To

1. The Judge Family Court, Vellore.
2. The Principal District Judge, Family Court, Coimbatore.

Tr. C.M.P. No.765 of 2021
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PMK(CO)
PM/28/03/2022