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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.04.2022

CORAM

THE HONOURABLE MS. JUSTICE P.T.ASHA

Tr.CMP. No.772 of 2021
and
C.M.P.No.18194 of 2021

P.A.Revathi

...Petitioner/Respondent.

Vs

P.Thanigaivel

...Respondent/Petitioner.

PRAYER: Petition filed under Section 24 of the Code of Civil Procedure, to withdraw HMOP No.100 of 2020 pending on the file of the Subordinate Court at Kancheepuram and transfer the same to the file of the Additional Family Court of Coimbatore and pass any such further or other orders as this Honourable Court.

For Petitioner : Mr.K.Thilageswaran

For Respondent : Mr.P.K.Ganesh

ORDER

The respondent/wife in a petition for divorce filed by the husband on the file of the Subordinate Court at Kancheepuram in HMOP No.100 of 2020 is the petitioner before this Court. The petitioner seeks to withdraw the same from the file of the Subordinate Court at Kancheepuram and transfer the same to the file of the Additional Family Court at Coimbatore.

2. The petitioner's reasons for seeking transfer is on the ground that the petitioner herein has filed a petition under the Domestic Violence Act, in D.V.A.C. No.75 of 2021 which is pending on the file of the learned District Magistrate, Coimbatore. The petitioner would further submit that she has also filed HMOP No.156 of 2021 which is pending before the Additional Family Judge, Coimbatore. She would further submit that the distance between her native place to the Subordinate Court at Kancheepuram is more than 500 Kms and she has no source of income and she has to take care of her female child also.



3. The respondent/ husband who has entered appearance has no serious objection for the transfer being made except his presence may be dispensed with for all hearings except for attending the counselling sessions and for adducing evidence.

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4. Heard the learned counsels on either side.

5. Since the matter is now being transferred from Sub Court to Family Court where the presence of parties is a must, accepting the above contentions of the respondent, this Court is allowing the Transfer Civil Miscellaneous Petition in and by which H.M.O.P.No.100 of 2020 pending on the file of the Subordinate Court, Kancheepuram is withdrawn and transferred to the file of the Family Court at Coimbatore. The Family Court, Kancheepuram shall not insist upon the presence of the petitioner except for attending the counselling sessions and for adducing evidences or when the Court requires his presence.

6. With the above directions, the Transfer Civil Miscellaneous Petition is allowed and H.M.O.P.No.100 of 2020, pending on the file of the Subordinate Court, Kancheepuram is withdrawn and transferred to the file of the Additional Family Court, Coimbatore. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (CCC)

//True Copy//

Sub Assistant Registrar

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To

1.The Subordinate Judge, Kancheepuram.

2.The Additional Family Court Judge, Coimbatore.

Copy to:

The Section Officer,
V.R.Section, High Court, Madras.

+1cc to Mr.P.K.Ganesh, Advocate SR. No. 25431

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MG (CO)
PR (23/05/2022)