



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.03.2022

CORAM:

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Tr.C.M.P.No.916 of 2021
and
C.M.P.No.20434 of 2021

V.Sowndarya

.. Petitioner

Vs.

S.Sabarinathan

.. Respondent

PRAYER: Transfer Civil Miscellaneous Petition filed under Section 24 of Code of Civil Procedure, praying to withdraw the HMOP.No.50 of 2020 on the file of the Sub Court, Gobichettipalayam and transfer the same to the file of the Family Court, Coimbatore.

For Petitioner : Mr.S.Mukunth

For Respondent : No appearance

O R D E R

This petition has been filed seeking for the transfer of HMOP.50 of 2020 pending on the file of Sub-Court, Gobichettipalayam, to the file of the Family Court, Coimbatore.

2. The case of the petitioner is that the marriage was solemnized with the respondent in the year 2019. There was some difference of opinion between the parties and the same lead to the respondent initiating divorce proceedings in HMOP.No.50 of 2020 on the file of the Sub-Court, Gobichettipalayam. The petitioner has also initiated proceedings under the Domestic Violence Act in DVA.No.1 of 2021 and the same is now pending before the Judicial Magistrate, Sulur at Coimbatore. The petitioner has approached this Court to transfer the divorce proceedings to the Family Court, Coimbatore, since the respondent is now attending proceedings at Coimbatore in the domestic violence case.



WEB COPY

3. Notice was sent to the respondent and vakalat was also filed by a counsel on behalf of the respondent. The vakalat was returned and there is no representation through a counsel and the name of the respondent has also been printed in the cause list.

4. Heard Mr.S.Mukunth, learned counsel for the petitioner and carefully perused the materials available on record.

5. In the considered view of this Court, the respondent is already attending proceedings before the Judicial Magistrate, Sulur at Coimbatore in the domestic violence case initiated by the petitioner. Hence, the divorce proceedings can also be transferred to Coimbatore so that the parties can attend all the proceedings at Coimbatore itself. In any case, Gobichettipalayam is hardly 90 Kms from Coimbatore and if the hearing date for both the cases are fixed on the same date, both the proceedings can be attended by the parties.

6. In view of the above, this transfer civil miscellaneous petition is disposed of with the following directions:

a) The proceedings in HMOP.No.50 of 2020 pending on the file of Sub-Court, Gobichettipalayam is withdrawn and transferred to the file of the Principal Family Court, Coimbatore.

b) The petitioner and the respondent are directed to be present before the Mediation Center attached to the Principal District Court, Coimbatore on 18.03.2022 at 11.30 a.m. The process of mediation shall be commenced immediately and the report shall be sent both to the Family Court, Coimbatore as well as to the Judicial Magistrate, Sulur within a period of 6 weeks from 18.03.2022.

c) Till the mediation report is received, the proceedings before the Family Court, Coimbatore and the Judicial Magistrate, Sulur shall be kept in abeyance. Depending upon the report, the proceedings can be closed or it can be continued and in which event, the same shall be disposed of as expeditiously as possible. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-
Assistant Registrar

True Copy//

Sub Assistant Registrar



WEB COPY

1. The Family Court, Coimbatore.
2. The Judicial Magistrate, Sulur.
3. Sub-Court, Gobichettipalayam.
4. The Mediation Centre attached to
Principal District Court, Coimbatore.

+1cc to M/s.Sarvabhauman Associates, Advocate, S.R.No.14815

Tr.C.M.P.No.916 of 2021

SPD[col]
NSK 17/03/2022