



WEB COPY



Tr.C.M.P.No.956 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.11.2022

CORAM:

THE HONOURABLE Mr. JUSTICE S.SOUNTHAR

Tr.C.M.P.No.956 of 2022

and

C.M.P.No.16428 of 2022

Antony Praveen Kumar

... Petitioner

Vs.

Keerthana.L @ Angeline Keerthana

... Respondent

Prayer: Transfer Civil Miscellaneous Petition is filed under Section 24 of the Civil Procedure Code, praying to withdraw the I.D.O.P.No.339 of 2022 pending on the file of the Family Court, Erode and transfer the same to the Family Court, Coimbatore.

For Petitioner : Mr.R.Shanmugham

For Respondent : Mr.B.R.Shankaralingam

ORDER

The Transfer Civil Miscellaneous Petition is filed by the petitioner/husband seeking transfer of petition for divorce filed by the respondent/wife in I.D.O.P.No.339 of 2022 from the file of the Family Court, Erode to the file of the Family Court, Coimbatore.



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2. Heard the arguments of the learned counsel for the petitioner and the

learned counsel for the respondent.

3. According to the petitioner/husband, he is residing at Germany and his mother aged about 59 years has been taking care of his case. It is further submitted that as a old age lady, she finds it very difficult to undertake long travel to Erode to attend each and every court hearings. It is also submitted that the respondent/wife filed a case under the Domestic Violence Act, 2005 in D.V.A.No.94 of 2022 before the Special Judicial Magistrate Court for Prevention of Domestic Violence, Coimbatore. Therefore, both the cases can be conducted in the same district.

4. The respondent/wife filed a counter wherein she submitted that she preferred domestic violence case before the Court at Coimbatore by taking into consideration the age of the mother of the petitioner. But it is further averred by her when she filed the domestic violence case, her parents were assisting her to travel to Coimbatore to conduct the case. But however, at present her father is down with heart ailment and her mother also suffered heart attack and hence, both of her parents are not in a position to accompany her to undertake travel to Coimbatore.



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5. Considering the fact that the petitioner's mother is conducting court hearings on his behalf and she is 59 years old, it would be appropriate to consider the request for transfer made by the petitioner especially when the respondent/wife filed domestic violence case at Coimbatore. The respondent/wife even in her counter specifically had averred that she preferred domestic violence case before the Court at Coimbatore by considering the convenience of the aged mother-in-law. But however, in the counter she further stated that both of her parents are not well and they are not in a position to accompany her to undertake travel to Coimbatore.

6. By taking into consideration the convenience of both the parties, in the peculiar circumstances of the case, especially in view of the specific admission by the respondent/wife that she herself filed an application under the Domestic Violence Act, 2005 before the Court at Coimbatore by taking into consideration the convenience of the petitioner's mother, this Court is inclined to order the above transfer petition seeking transfer of petition for divorce filed by the respondent/wife from Family Court, Erode to a court in between Coimbatore and Erode.



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7. Accordingly, the Transfer Civil Miscellaneous Petition is allowed and I.D.O.P.No.339 of 2022 pending on the file of the Family Court, Erode is withdrawn and transferred to the file of the Family Court, Tiruppur. No costs. Consequently, the connected civil miscellaneous petition is closed.

8. Both the learned counsel for the petitioner and the respondent made a request for fixing time limit to dispose of the main original petition. In view of the consensus arrived at by the learned counsel for both parties in fixing time limit, this Court is inclined to issue a direction to the Family Court, Tiruppur to dispose of I.D.O.P.No.339 of 2022 within a period of nine months from the date of receipt of material records from the transferor Court.

15.11.2022

Index : Yes/No
Speaking Order : Yes/No
dm



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To

WEB COURT

1.The Family Court,
Erode.

2.The Family Court,
Tiruppur.



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S.SOUNTHAR, J.

dm

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