



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.03.2022

CORAM

THE HONOURABLE MS.JUSTICE P.T.ASHA

TR.C.M.P.NO.930 OF 2021

&

C.M.P.NO.20811 OF 2021

P.Gayathri

... Petitioner

Vs

S.Nirmal Kumar

... Respondent

Prayer: Transfer Civil Miscellaneous Petition is filed under Section 24 of the Code of Civil Procedure to withdraw H.M.O.P.No.1060 of 2020 on the file of the Family Court, Tiruppur and transfer the same to the file of the Family Court, Coimbatore having competent Jurisdiction and to try along with the M.C.No.125 of 2020.

For Petitioner : Mr.K.Govi Ganesan

For Respondent : No Appearance

ORDER

The above transfer petition is filed by the wife seeking transfer of H.M.O.P.No.1060 of 2020, filed by the husband for divorce on the file of the Family Court, Tiruppur to the file of the Family Court, Coimbatore to be tried along with M.C.No.125 of 2020.

2. The petitioner wife would submit that the respondent husband is not maintaining the petitioner as well as their five year old daughter and the maintenance case filed by the petitioner in M.C.No.125 of 2020 is pending before the Family Court, Coimbatore. The petitioner wife would submit that both of the petitioner as well as the respondent are appearing in their respective cases.



3. The petitioner would submit that she has to spend whole day for attending the hearing at Tiruppur and the petitioner cannot take care of her 5 year old daughter. The petitioner would further submit that she is residing at Coimbatore and the marriage was also solemnised at Coimbatore and therefore the Court at Coimbatore has got Jurisdiction to entertain the petition filed by the husband.

4. The respondent though served has not entered appearance.

5. Admittedly, the petitioner is residing at Coimbatore and the marriage was also solemnised at Coimbatore. Further, the petitioner has to take care of her 5 year old daughter, who is in need of love and care.

6. Considering the fact that sufficient reasons have been given and to avoid the multiplicity of proceedings, the Transfer Civil Miscellaneous Petition is allowed. H.M.O.P.No.1060 of 2020 pending on the file of the Family Court, Tiruppur is withdrawn and transferred to the file of the Family Court, Coimbatore to be tried along with M.C.No.125 of 2020. Consequently, connected Civil Miscellaneous Petition is closed. No costs.

Sd/-

Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

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To

1. The Family Court, Tiruppur.

2. The Family Court, Coimbatore.

+1cc to M/s.K.Govi Ganesan, Advocate, S.R.No.16434

Tr.C.M.P.No.930 of 2021

GPL(CO)

RLP(11/04/2022)