



WEB COPY



Tr.CMP No.256 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.04.2023

CORAM :

THE HONOURABLE Mrs.JUSTICE T.V.THAMILSELVI

TR.CMP No.256 of 2023

and

C.M.P.No.5620 of 2023

T.Anandaraj

.... Petitioner

-Vs-

A.Venkateshwari

.... Respondent

Prayer : Transfer Civil Miscellaneous Petition filed under Section 24 of C.P.C., to withdraw the H.M.O.P.No.1862 of 2022 on the file of the Family Court, Coimbatore and transfer the same to the Subordinate Judge, Valliyur at Tirunelveli District.

For Petitioner : Mr.M.Manivelpandian

For Respondent : Mr.S.Sankar



Tr.CMP No.256 of 2023

ORDER

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The petitioner/husband seeks transfer of H.M.O.P.No.1862 of 2022 from the file of the Family Court, Coimbatore to the file of Subordinate Judge, Valliyur at Tirunelveli District.

2. The petitioner/husband filed a petition in H.M.O.P.No.65 of 2018 seeking for restitution of conjugal rights before the Sub Court, Valliyur at Tirunelveli District and the same has been transferred to the Family Court, Coimbatore and renumbered as H.M.O.P.No.1862 of 2022. Since the petitioner is living with adopted son at Valliyur, he wants to transfer the H.M.O.P.No.1862 of 2022 from the learned Family Court, Coimbatore to the Subordinate Court, Valliyur at Tirunelveli.

3. The learned counsel for the petitioner submitted that based on the transfer application filed by the respondent, the case was transferred to the Family Court, Coimbatore, but the respondent was not appeared before the Court. In fact, the petitioner/husband filed a petition for restitution of conjugal rights calling upon the respondent/wife to live together. Neither the respondent/wife appeared before the Court nor filed any objections.



Tr.CMP No.256 of 2023

WEB COPY

4. Considering the fact that the petitioner/husband is residing at Valliyur at Tirunelveli District along with adopted son and the reason assigned by the petitioner is justifiable, H.M.O.P.No.1862 of 2022 is withdrawn from the file of the learned Family Court, Coimbatore and transferred to the file of Subordinate Judge, Valliyur at Tirunelveli District. The learned Family Court Judge, Coimbatore is directed to send entire records to the learned Subordinate Judge, Valliyur at Tirunelveli District within a period of six(6) weeks from the date of receipt of a copy of this order. Thereafter, the learned Subordinate Judge, Valliyur at Tirunelveli District is directed to give notice to both the parties and dispose the case in accordance with law within a period of three months.

5. Accordingly, this Tr.C.M.P.No.256 of 2023 is allowed. There shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

03.04.2023

Index : Yes/No

Speaking Order: Yes/No

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To

1.The Family Court, Coimbatore.

2.The Subordinate Judge, Valliyur, Tirunelveli District.

T.V.THAMILSELVI, J.



WEB COPY



Tr.CMP No.256 of 2023

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TR.CMP No.256 of 2023

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