



WEB COPY

Tr.C.M.P.No.635 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.11.2023

CORAM

THE HONOURABLE MR.JUSTICE T.V.THAMILSELVI

Tr.C.M.P.No.635 of 2023

and

C.M.P.No.15854 of 2023

Mrs.S.Karthika

... Petitioner

Vs.

Mr.K.Karthik

... Respondent

Prayer: Transfer CMP is filed under Section 24 of the Civil Procedure Code, to transfer the case in HMOP No.1239 of 2022 from the Principal Family Court, Coimbatore to Family Court, Karur.

For Petitioner : Mr.J.Arun Prasad

For Respondent : Mr.A.M.Esakkiappan

ORDER

This petition is filed to transfer the case in HMOP No.1239 of 2022 from the Principal Family Court, Coimbatore to Family Court, Karur.



2. Heard learned counsel for the petitioner and learned counsel for the respondent.

3. The marriage between the petitioner and the respondent was solemnised on 21.06.2021. On account of matrimonial home broke down, the petitioner and the respondent are living separately. The respondent has filed HMOP No.1239 of 2022 before the Principal Family Court, Coimbatore seeking divorce. Per contra, the petitioner has filed HMOP No.226 of 2022 before the Family Court, Karur for Restitution of Conjugal Rights. It is settled proposition that proceedings with regard to matrimonial dispute shall be conducted only at, where, the wife is residing.

4. In view of the same, the HMOP No.1239 of 2022 pending on the Principal Family Court, Coimbatore stands transferred to the Family Court, Karur. The Principal Family Court, Coimbatore is directed to transmit all the case papers to the Family Court, Karur. On receipt of case papers, the Family Court, Karur is directed to issue notice to respondent and proceed with case in the manner known to law.



5. With the abovesaid directions, the Transfer Civil Miscellaneous Petition stands **allowed**. However, there shall be no order as to costs.

Consequently, the connected Miscellaneous Petition is closed.

09.11.2023

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Index : Yes

Speaking order / Non speaking order

Neutral Citation : Yes / No

To

1.The Judge,
The Principal Family Court,
Coimbatore.

2.The Judge,
The Family Court,
Karur.



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T.V.THAMILSELVI, J.

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