



WEB COPY



Tr.C.M.P.No.974 of 2023
and CMP.No.23477 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16.10.2023

CORAM:

THE HON'BLE MRS.JUSTICE T.V.THAMILSELVI

Tr.C.M.P.No.974 of 2023

and

CMP.No.23477 of 2023

E.Dinesh Raj
S/o.R.Nagarajan

... Petitioner

Vs.

S.Vidhya
D/o.V.Senthil Murugan

.. Respondent

PRAYER: Transfer Civil Miscellaneous Petition filed under Section 24 read with Section 151 of Civil Procedure Code, praying to withdraw the proceedings in G.W.O.P.No.116 of 2020 pending on the file of the Family Court, Erode and transfer the same to the Family Court, Namakal.

For Petitioner	: Mr. V.Vignesh
For Respondent	: Mr.M.L.Joseph learned counsel for M/s.Chennai Law Association

ORDER

The petitioner/husband has filed this petition to withdraw the proceedings in G.W.O.P.No.116 of 2020 pending on the file of the Family Court, Erode and transfer the same to the Family Court, Namakal.



Tr.C.M.P.No.974 of 2023
and CMP.No.23477 of 2023

WEB COPY

2. The learned counsel for the petitioner submitted that the petitioner and the respondent got decree of divorce by mutual consent before the learned Family Judge, Erode in FCOP.No.32 of 2019 which was allowed on 30.05.2019. Since the respondent had willfully violated the visitation rights to his minor child Ms.Maya Dineshraj granted under the decree, the petitioner has filed a contempt petition in I.A.No.4 of 2019 in FCOP.No.32/2019 before the Family Court, Erode. Simultaneously, the petitioner had also initiated proceedings seeking custody of his minor child in G.W.O.P.No.116 of 2020 seeking interim visitation rights until disposal of the said G.W.O.P. was also sought by the petitioner. As a counter blast, the respondent herein filed an interim application in I.A.No.8 of 2020 in FCOP.No.32 of 2019 for modification of the visitation rights granted under the mutual consent divorce decree.

3. The learned counsel for the respondent submitted that the respondent living with her child but in the earlier proceeding in FCOP.No.32 of 2019 they got divorce and terms of Memorandum of Understanding also entered into between the parties. But with regard to



Tr.C.M.P.No.974 of 2023
and CMP.No.23477 of 2023

visitation rights mis-understanding between the parties G.W.O.P.No.116 of 2020 was filed before the the Family Court, Erode.

4. Considering the facts and circumstances, and to avoid further complication, this Court is inclined to transfer the proceeding in G.W.O.P.No.116 of 2020 pending on the file of the Family Court, Erode to the Family Court, Coimbatore.

5. In view of the above, G.W.O.P.No.116 of 2020 is withdrawn from the file of the Family Court, Erode and transferred to the file of the Family Court, Coimbatore, to be disposed of the case in accordance with law and the learned Family Judge, Erode is directed to send the entire records to the learned Family Judge, Coimbatore, within a period of two weeks from the date of receipt of a copy of this order.

6. Accordingly, this Transfer Civil Miscellaneous Petition is allowed. Consequently, connected miscellaneous petition is closed. No costs.

T.V.THAMILSELVI, J.



Tr.C.M.P.No.974 of 2023
and CMP.No.23477 of 2023

WEB COPY

rri

However, both side parties are directed to appear before the learned Family Judge, Coimbatore on 20.11.2023 and on such appearance of the parties the learned trial Judge is directed to dispose of the case as early as possible, as per manner known to law.

16.10.2023

Index : Yes / No

Neutral Citation: Yes / No

Speaking/Non-speaking order

rri

To

1. The Family Judge, Erode.
2. The Family Judge, Coimbatore.

Tr.C.M.P.No.974 of 2023
and
CMP.No.23477 of 2023