



Tr.C.M.P.No.982 of 2023
and C.M.P.No.23650 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.10.2023

CORAM:

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

Tr.C.M.P.No. 982 of 2023

and

C.M.P.No.23650 of 2023

S. Malarvizhi
W/o. T. Nagaraj

... Petitioner

Vs.

T. Nagaraj
S/o. R. Thangavel

... Respondent

PRAYER: Transfer Civil Miscellaneous Petition is filed under Section 24 of C.P.C., praying to withdraw the H.M.O.P.No. 1288 of 2023 pending on the file of the Ld. Family Court, Coimbatore and transfer the same to the file of the Ld. Sub Court, Gobichettipalayam.

For Petitioner

: Mr. N. Manoharan



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ORDER

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The petitioner / wife seeks transfer of H.M.O.P.No.1288 of 2023 pending on the file of Ld. Family Court, Coimbatore to the Ld. Sub Court, Gobichettipalayam. The petitioner / wife seeks transfer of the proceedings before the Ld. Sub Court, Gobichettipalayam on the ground that she is living at Gobichettipalayam with one male child, aged about 4 years and she is not able to attend the court hearings by travelling 200 kms.

2. The learned counsel for the petitioner submitted that the marriage between the respondent and the petitioner was solemnized on 15.03.2018 at A/m. Sivalappuri Amman Temple, Naduvacheri, Avinashi, Tiruppur District. Out of the wedlock, one male child born to them. He further submitted that the husband of the petitioner used to consume alcohol and harassed her. She was forced to driven out of the matrimonial home and residing at her parental home. Further submitted that the respondent / husband is a police by profession and filed HMOP.No.1288 of 2023 before the Ld. Family Court, Coimbatore for restitution of conjugal rights under



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Section 9 of the Act, 1956. Now the petitioner living with her parents home with her 4 year old child and it is difficult to travel nearly 200 kms to attend the Court proceedings at Coimbatore. Hence, she prays to transfer the HMOP.No.1288 of 2023, to the Sub-Court, Gobichettipalayam.

3. Considering the facts and circumstances and the reason assigned by the petitioner is justifiable, this Court is inclined to transfer the HMOP.No.1288 of 2023 to the Ld. Sub Court, Gobichettipalayam.

4. In view of the above, H.M.O.P.No.1288 of 2023 is withdrawn from the file of the Ld. Family Court, Coimbatore and transferred to the file of Ld. Sub Court, Gobichettipalayam to be disposed of in accordance with law and the Ld. Family Court, Coimbatore is directed to send entire records to the Ld. Sub Court, Gobichettipalayam, within a period of two weeks from the date of receipt of a copy of this order.

5. The record reveals that as police constable, he is receiving decent salary. However, the wife and child is living without any source of income



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as on date. Therefore, wife is entitled to get interim maintenance.

Accordingly, the respondent / husband is directed to pay Rs.6,000/- to the wife and child until it is modified by the Court of law.

5. Accordingly, this Transfer Civil Miscellaneous Petition is allowed.

No costs. Consequently, connected miscellaneous petition is closed.

6. However, the Ld.Sub Court, Gobichettipalayam is directed to issue notice to the respondent and dispose of the case as early as possible, preferably within a period of three months from the date of this order.

18.10.2023

Index : Yes / No

Neutral Citation: Yes / No

AT

To

1. The Ld. Family Court, Coimbatore.

2. The Ld. Sub Court, Gobichettipalayam.

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T.V.THAMILSELVI, J.

AT

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