



Tr.C.M.P.(MD)Nos.31 of 2023 and 471 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 05.04.2023

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THE HONOURABLE MR.JUSTICE C.SARAVANAN

Tr.C.M.P.(MD)Nos.31 of 2023 and 471 of 2022

and

C.M.P.(MD)Nos.646 of 2023 and 7687 of 2022

Tr.C.M.P.(MD)No.31 of 2023:-

C.Boopathy Rajadurai

.. Petitioner

Versus

1.B.A.Vigneshwari

2.B.V.Siddharath [Minor]

3.B.V.Advaith [Minor]

[Respondents 2 and 3 are minors represented
by their mother and guardian, first respondent]

.. Respondents

Prayer :- Petition filed under Section 24 of C.P.C., to withdraw the petition in M.C.No.64 of 2022, on the file of the Family Court, Nagercoil, Kanyakumari District and transfer the same to the file of the Additional Family Court, Coimbatore, to be tried along with H.M.O.P.No.1104 of 2022, pending thereon.

For Petitioner : Mr.P.Paranthaman

For Respondents : Ms.T.Sathya Selvi

Tr.C.M.P.(MD)No.471 of 2022:-

Vigneswari, W/o.Boopathy Rajadurai

.. Petitioner

Versus

Boopathy Rajadurai, S/o.Late. Chinnaraj

.. Respondent



Tr.C.M.P.(MD)Nos.31 of 2023 and 471 of 2022

Prayer :- Petition filed under Section 24 of C.P.C., to withdraw the petition in H.M.O.P.No.1104 of 2022 from the file of the Family Court, Coimbatore and transfer the same to the file of the Family Court, Nagercoil, Kanyakumari District.

For Petitioner : Ms.T.Sathya Selvi

For Respondent : Mr.P.Paranthaman

COMMON ORDER

By this common order, both the Transfer Civil Miscellaneous Petitions have been disposed of.

2. The petitioner in Tr.C.M.P.(MD)No.471 of 2022 is the wife. She has filed the said Petition to transfer H.M.O.P.No.1104 of 2022, pending on the file of the Family Court, Coimbatore, to the file of the Family Court, Nagercoil, Kanyakumari District.

3. The said H.M.O.P. has been filed by the husband for dissolving the marriage solemnized on 26.10.2006.

4. The contention of the wife before this Court is that she is unemployed and residing in Nagercoil, Kanyakumari District. She is depending on her parents for her day-to-day expenses and is also taking care of two minor children. Therefore, she seeks to transfer the said H.M.O.P. to the Family Court, Nagercoil, Kanyakumari District.



5. Tr.C.M.P.(MD)No.31 of 2023 has been filed by the husband to transfer M.C.No.64 of 2022 filed by the wife for maintenance before the Family Court, Nagercoil, Kanyakumari District, to the Family Court, Coimbatore, to be tried along with H.M.O.P.No.1104 of 2022.

6. The learned counsel for the husband submits that the wife deserted the husband and took away 2 minor children. That apart, it is submitted that the wife is having the debit card of the husband and is living a luxurious life. It is submitted that even if the case is transferred, the case can be transferred to any other Sub Court in between Kanyakumari District and Coimbatore District and that the husband is willing to pay additional expenses towards conveyance, boarding and lodging in connection with the case.

7. I have considered the arguments advanced by the respective learned counsel appearing for the parties.

8. The Court has to examine the convenience of the parties. The parties are husband and wife. They got married on 27.10.2006. The husband filed H.M.O.P.No. 1104 of 2022 before the Family Court, Coimbatore, for dissolving the marriage, on the ground of ill-treatment by the wife. The fact remains that the wife is taking care of two school going children. The wife is living with her parents. Therefore, no



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useful purpose will be served by directing both the parties to appear before a Court, which is not convenient either of them rather inconvenient to both the parties entailing expenses.

9. Considering the fact that the wife is taking care of two minor children and also considering the fact that the wife is not employed, Tr.C.M.P.(MD)No.471 of 2021 filed by the wife stands allowed. Accordingly, Tr.C.M.P.(MD)No.31 of 2023 filed by the husband stands dismissed. Therefore, H.M.O.P.No.1104 of 2022, pending on the file of the Family Court, Coimbatore, at the behest of the husband, is directed to be transferred to the Family Court, Nagercoil, Kanyakumari District, to be tried along with M.C.No.64 of 2022. No costs. Consequently, connected Miscellaneous Petitions are closed.

10. Considering the fact that the husband is employed in Coimbatore, his physical presence shall stand dispensed with for regular hearings and he shall be required to appear as and when the Court requires his physical presence. However, the husband shall ensure that he is represented by his counsel during the hearings before the Family Court, Nagercoil, Kanyakumari District.

NCC : Yes/No
Index : Yes/No
Internet : Yes/No
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05.04.2023

<https://www.mhc.tn.gov.in/judis>



Tr.C.M.P.(MD)Nos.31 of 2023 and 471 of 2022

To

1.The Judge,
Family Court,
Coimbatore.

2.The Judge,
Family Court,
Nagercoil.
Kanyakumari District.



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C.SARAVANAN, J.

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Common Order made in
Tr.C.M.P.(MD)Nos.31 of 2023 and 471 of 2022

05.04.2023