



Tr.C.M.P(MD)No.196 of 2022

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **13.04.2023**

CORAM

THE HON'BLE MR.JUSTICE C.SARAVANAN

Tr.C.M.P(MD)No.196 of 2022

and

C.M.P(MD)No.3519 of 2022

K.Kodeeswari ... Petitioner/Respondent

Vs.

T.Dinesh Kumar ... Respondent/Petitioner

PRAYER : Transfer Civil Miscellaneous Petition is filed under Section 24 r/w 151 of Code of Civil Procedure, to withdraw the HMOP.No.933 of 2021 pending on the file of the Family Court, Coimbatore and transfer the same to the Family Court, Madurai.

For Petitioner : Mr.G.Kasinatha Durai
For Respondent : Mr.D..Shanmuga Raja Sethupathy
Mr.N.S.Karthikeyan (Mediator)

ORDER

The present transfer civil miscellaneous petition has been filed to transfer HMOP.No.933 of 2021 from the Family Court, Coimbatore, to the Family Court, Madurai.

2.The learned counsel for the petitioner submitted that the petitioner is residing with her parents at Madurai and is not employed



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and is depending on her parents for her maintenance and therefore, it is not possible for her to attend the Court proceedings in HMOP.No.933 of 2021 on the Family Court, Coimbatore.

3.The learned counsel for the respondent submits that the respondent is taking care of his aged mother who is aged about 70 years. The respondent is working in a private bank and therefore, he cannot travel to Madurai. That apart, it is submitted that there are no reason for the Court to exercise the relief for transferring HMOP.No.933 of 2021 from the Family Court, Coimbatore, to the Family Court, Madurai. That apart, it is submitted that the petitioner and the respondent also not have any other issues (child). Therefore, there is no merits in the present petition.

4.I have considered the argument advanced by the learned counsel for the petitioner and the learned counsel for the respondent.

5.It appears that the parties got married in the year 2011 and the petitioner appears to have initiated the criminal proceedings under the provisions of the Domestic Violence Act, 2005 against the respondent,



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which is said to have pending before the Additional Mahila Court (Judicial Magistrate), Madurai in Cr.M.P.No.2740 of 2021. Thereafter, the respondent has filed a petition in H.M.O.P.No.933 of 2021 for dissolving the marriage between the petitioner and the respondent.

6.Considering the fact that already Criminal proceedings is pending at Madurai at the behest of the petitioner against the respondent, I am inclined to transfer HMOP.No.933 of 2021 from the Family Court, Coimbatore, to the Family Court, Madurai. However, the physical presence of the respondent, who is the petitioner in HMOP.No.933 of 2021 shall be dispensed with for routine hearing. The respondent shall however appear before the Family Court, Madurai, as and when the Court directs the respondent to appear before the Court.

7.With the above observation, this Transfer Civil Miscellaneous Petition stands allowed. No costs. Consequently, connected miscellaneous petition is closed.

13.04.2023

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
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C.SARAVANAN ,J.

dss

To

1.The Family Court, Coimbatore.

2.The Family Court, Madurai.

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and

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