



Tr.C.M.P.(MD)No.246 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 26.06.2023

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CORAM

THE HONOURABLE MR.JUSTICE C.SARAVANAN

Tr.C.M.P.(MD)No.246 of 2023

and

C.M.P.(MD)No.5436 of 2023

Meena Devi, D/o.S.Pitchai

.. Petitioner

Versus

V.A.Ajay Gowtham

.. Respondent

Prayer :- Petition filed under Section 24 of C.P.C., to withdraw the case in H.M.O.P.No.2002 of 2022 from the file of the Additional Family Court, Coimbatore and transfer the same to the file of any competent Family Court at Madurai District.

For Petitioner : Mr.S.Rajasekar
for M/s.Lajapathi Roy and Associates

For Respondent : Mr.M.Saravanan

ORDER

The petitioner has filed this Transfer Civil Miscellaneous Petition seeking to withdraw the case in H.M.O.P.No.2002 of 2022 from the file of the Additional Family Court, Coimbatore and transfer the same to the file of any competent Family Court at Madurai District.



2.The petitioner is the wife of the respondent herein. The marriage between the petitioner and the respondent was solemnized on 24.02.2021 in Coimbatore. After the marriage, it appears that the child born to them died on 21.10.2022. Thereafter, due to some difference of opinion, the respondent has filed H.M.O.P.No. 2002 of 2022 for dissolving the marriage.

3.The learned counsel for the respondent submits that the respondent has no objection for transferring the case to any other Family Court or the Sub Court other than the Family Court at Madurai. Considering the fact that there are rival complaints against each other in Coimbatore and Thudiyalur, for the sake of neutrality, the case can be transferred to the Family Court at Dindigul.

4.In the affidavit filed in support of the present Transfer Civil Miscellaneous Petition, the petitioner has stated as follows:-

"12. That as such I am not employed, I am living under the roof and custody of my parents. I am living with lots of pain and sufferings and I had lost my child due to inordinate circumstances, moreover the my entire physical and mental condition is destroyed by the above narrated circumstance, in such circumstance to put me into peril, the present H.M.O.P.No.2002 of 2022 is filed on the file of the Additional Family Court, Coimbatore. Further as such I am instructed that I have good case of defense to contest and I must completely contest the H.M.O.P.No.2002 of 2022 which suffers several suppression of facts.

13.I with due respect submit that, further already I am living with lots of difficulties and I must take care of my health and my career. That further H.M.O.P.No.2002 of 2022 has several suppressions and is conceived with wrong facts, so it would be convenient if the suit is transferred to any competent court at Madurai.



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14.1 further submit that, being a weaker sex that too being faced lots of difficulties even by losing my first child in 10 months of age and living under the roof of the my age-old parents without any employment, it is really too difficult for me to contest the H.M.O.P.No.2002 of 2022 at Coimbatore, If the case in H.M.O.P.No.2002 of 2022 on the file of the Additional Family Court, Coimbatore, is withdrawn and transferred to any Court of competent jurisdiction in Madurai District. It would be more helpful and convenient for me to attend the cases and no prejudice would be caused to the Respondent."

5.The reasons given by the petitioner inspires this Court to order transfer of H.M.O.P.No.2002 of 2022, pending on the file of the Additional Family Court, Coimbatore, to the file of Family Court, Madurai. The learned Judge, Family Court, Madurai, shall dispose H.M.O.P.No.2002 of 2022, on it being re-numbered, as expeditiously as possible, preferably, within a period of six months from the date of receipt of a copy of this order. It is made clear that in case, any untoward incident or any violation is noticed, liberty is given to the respondent to move an appropriate petition for transfer of H.M.O.P.No.2002 of 2022 to any other Court.

6.This Transfer Civil Miscellaneous Petition stands allowed with the above observation and direction. No costs. Consequently, connected Miscellaneous Petition is closed.

NCC : Yes/No
Index : Yes/No
Internet : Yes/No
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26.06.2023



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To

1.The Judge,
Additional Family Court,
Coimbatore.

2.The Judge,
Family Court,
Madurai.



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C.SARAVANAN, J.

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Order made in
Tr.C.M.P.(MD)No.246 of 2023

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