



TR.C.M.P.(MD) No.379 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 16.06.2023

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THE HONOURABLE **MR.JUSTICE C.SARAVANAN**

TR.C.M.P.(MD) No.379 of 2022

and

C.M.P.(MD) No.6237 of 2022

Jeyasri

... Petitioner

Vs.

Vinith

... Respondent

Transfer Civil Miscellaneous Petition filed under Section 24 of the Code of Civil Procedure, 1908, to withdraw O.P.No.362 of 2022 on the file of the Additional Principal Family Court, Coimbatore District filed by the respondent herein and the same may be transferred to the Principal Subordinate Court, Trichy District.

For Petitioner : Mr.K.M.Karunakaran

For Respondent : No appearance

ORDER

Pursuant to the order of this Court dated 10.03.2023, the notice on the counsel who appears for the respondent before the Additional



TR.C.M.P.(MD) No.379 of 2022

Principal Family Court, Coimbatore in O.P.No.362 of 2022 has been served as notice served on the respondent was returned. Despite the names of the respondent and the lower court counsel being printed in the cause list today, there is no representation on behalf of the respondent. Hence, this case is taken up for final hearing.

2. Transfer Civil Miscellaneous Petition has been filed to transfer O.P.No.362 of 2022 from the Additional Principal Family Court, Coimbatore District to the Principal Subordinate Court, Trichy District.

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

9. I submit that I am residing in my parent's home is situated at Trichy District. But the respondent has filed a divorce petition before the Learned Additional Principal Family Court, Coimbatore District for which I have to travel a distance up and down of about 450 kms for each and every hearing, to instruct my advocate proceed further. Hence in the above said circumstances, it is not at all feasible and possible for me to attend the Court at Coimbatore.

10. I respectfully submit that I am also suffering serious financial crisis. Besides it is my parents who are taking care of me and my expenses. Further the respondent herein is a highly influential person having money power, muscle power and political power.



TR.C.M.P.(MD) No.379 of 2022

Hence there is every threat that the respondent and family members may attack me at any time. When I attend the court at Coimbatore for the hearings. Hence in the above said circumstances, it is not at all feasible and possible for me to attend the court at Coimbatore.

11. I further submit that if this transfer application is not allowed, I will be put irreparable loss and great hardship. If this application is allowed, no prejudice would be caused to the Respondent.

4. Being satisfied with the above reasons, I am inclined to allow this Transfer Civil Miscellaneous Petition. Therefore, O.P.No.362 of 2022 is directed to be transferred from the Additional Principal Family Court, Coimbatore District to the Principal Subordinate Court, Trichy District for being tried along with O.P.No.120 of 2022 filed by the petitioner for Restitution of Conjugal Rights and M.C.No.13 of 2022.

5. Accordingly, this Transfer Civil Miscellaneous Petition is allowed. No cost. Consequently, connected Miscellaneous Petition is closed.

16.06.2023

NCC : Yes / No
Internet: Yes/No
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TR.C.M.P.(MD) No.379 of 2022

C.SARAVANAN, J.

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To

- 1.The Additional Principal Family Court,
Coimbatore District.
- 2.The Principal Subordinate Court,
Trichy District.

TR.C.M.P.(MD) No.379 of 2022
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