



Tr.C.M.P(MD)No.671 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **20.02.2023**

CORAM

THE HON'BLE MR.JUSTICE R.VIJAYAKUMAR

Tr.C.M.P(MD)No.671 of 2022

and

C.M.P(MD)No.10754 of 2022

P.Gowtham Ashok Kumar

... Petitioner

Vs.

Rukshana Khan

... Respondent

PRAYER : Transfer Civil Miscellaneous Petition is filed under Section 24 r/w 151 of the Code of Civil Procedure, to withdraw the case in O.S.No.69 of 2022 pending on the file of the learned Family Judge, Coimbatore, and transfer the same to the file of the Family Court, Madurai.

For Petitioner : Mr.K.Jaya Mohan

For Respondent : Mr.N.Thuja

ORDER

The present transfer civil miscellaneous petitioner has been filed seeking to transfer O.S.No.69 of 2022 pending on the file of the Family Court, Coimbatore, to be transferred to Family Court, Madurai.



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2. According to the learned counsel appearing for the petitioner, the petitioner is a Government School Teacher and having the custody of 7 years old son and hence, he finds it difficult to travel all along to Coimbatore for every hearing especially being the Family Court.

3. Per contra, the learned counsel appearing for the wife contends that she is the Typist working in Collectorate, Nilgiris, and hence, she has to travel for 3 hours to reach Family Court, Coimbatore. If it is transferred from Coimbatore to any other place, it will be more harsh on the wife. Hence, he prayed for dismissal of the present petition.

4. This Court have carefully considered the submissions made on either side.

5. Both the husband and wife are Government servants and find it difficult to have personal appearance before the Family Court at Coimbatore. The wife is a Government servant at Nilgiris and she is already traveling 3 hours to reach the Family Court, Coimbatore. Therefore, considering the interest of both the parties, this Court decides to transfer O.S.No.69 of 2022 pending on the file of the Family Court,



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Coimbatore to the Principal Subordinate Court, Coimbatore. The parties are at liberty to engage their counsel and the learned Principal Subordinate Judge, Coimbatore, is directed not to insist upon the personal appearance of the parties except only when it is compulsorily required. On all other occasions, they can be represented through their respective counsels. The learned Principal Subordinate Judge, Coimbatore, can either try the suit himself or transfer the same to any other Additional Subordinate Court.

6. In view of the aforesaid deliberations, O.S.No.69 of 2022 pending on the file of the Family Court, Coimbatore, is transferred to the file of the Principal Subordinate Court, Coimbatore. Accordingly, the Transfer Civil Miscellaneous Petition is allowed. No costs. Consequently, connected Miscellaneous Petition is closed.

20.02.2023

NCC : Yes / No

Index : Yes / No

Rmk

To

- 1.The Judge, Family Court, Coimbatore.
- 2.The Principal Subordinate Judge, Coimbatore.
- 3.The Record Keeper,
Vernacular Section,
Madurai Bench of Madras High Court, Madurai.



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R.VIJAYAKUMAR ,J.

Rmk

Order made in
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