



TR.CMP.No.77 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15.07.2024

CORAM:

THE HONOURABLE Mr.JUSTICE V.LAKSHMINARAYANAN

TR.CMP.No.77 of 2023
and CMP.No.1798 of 2023

Vasuki

... Petitioner

Vs

Dhinakaran

... Respondent

Prayer : Transfer Civil Miscellaneous Petition filed under Section 24 of the Civil Procedure Code praying to withdraw the case, F.C.O.P.No.507 of 2022 on the file of Family Court, Erode and transfer to the Family Court, Coimbatore.

For Petitioner : Mr.C.Munusamy

ORDER

The petitioner-wife has presented this petition to withdraw the petition filed by the respondent-husband in F.C.O.P.No.507 of 2022 before the Family Court, Erode and transfer it to Family Court, Coimbatore.



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2. The petitioner is the wife. She married the respondent on 26.06.2015. Despite the fact that she became pregnant thrice, unfortunately the pregnancy did not result in birth of a child. Alleging that the respondent-husband had developed intimacy with a third party, the petitioner had moved away from her matrimonial home. She would further state that the respondent-husband had physically assaulted her, which was yet another reason for her to not stay with her husband.

3. On account of these alleged ill-treatment she received from her husband, she initiated proceedings under the Domestic Violence Act before the Special Judicial Magistrate, Coimbatore in DVA.No.215 of 2022. In the meantime, the husband had also initiated proceedings for divorce in F.C.O.P.No.507 of 2022 before the Family Court, Erode.

4. Pleading that she is living with her parents without income to maintain herself and also finding it difficult to travel the distance from Seeranaickenpalayam at Coimbatore District to Erode, she prays for transfer.



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6. Taking into consideration the overall circumstances of the case and the financial stress faced by the wife and also her physical inability to travel from a village in Coimbatore District to Erode, the proceedings now pending in F.C.O.P.No.507 of 2022 on the file of Family Court, Erode is withdrawn and transferred to Family Court at Coimbatore.

7. The learned Judge, Family Court, Coimbatore need not insist upon the respondent-husband to appear on every hearing. For non-essential and procedural hearings, he may be represented through a counsel. The respondent-husband may be called upon to appear only when his appearance is indispensable and essential. To the extent possible, the learned Family Judge, Coimbatore may coincide the date of hearing in this proceedings along with the date of hearing in D.V.A.No.215 of 2022 pending before the



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Special Judicial Magistrate, Coimbatore, so that the husband need not travel twice to Coimbatore to attend the hearings in the Courts.

8.With the above directions, this transfer petition is allowed. No costs.

Consequently, connected miscellaneous petition is closed.

15.07.2024

Index:Yes/No

Neutral Citation : Yes / No
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To:

1.The Family Court
Erode.

2.The Family Court
Coimbatore.

3.The Section Officer
VR Section, High Court, Madras.



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V.LAKSHMINARAYANAN,J.

ds

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