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Tr.C.M.P.No.102 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30..08..2024

Coram

THE HONOURABLE MR.JUSTICE V.LAKSHMINARAYANAN

Tr.C.M.P. No.102 of 2024

and

C.M.P.No.2334 of 224

Mrs.S.Ahamadha Thahmina

..... Petitioner

-Versus-

J.Mohamed Muhais Akkil

..... Respondent

Petition filed under Section 24 of the Code of Civil Procedure,1908, praying to withdraw the suit in O.S.No.134 of 2023 pending on the file of the Judge, Family Court, Coimbatore, and transfer the same to the file of the learned Judge, Family Court, Erode.

For Petitioner : *Ms.D.Chitra Maragatham*

For Respondent : *Mr.Hemanth Kumar for*
Mr.IshtiaqAhmed

ORDER

This Transfer Civil Miscellaneous Petition is at the instance of wife. She seeks to transfer the suit in O.S.No.134 of 2023 pending on the file of the Family court at Coimbatore to the file of the Family Court at Erode where she



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has initiated a proceeding for maintenance in M.C.No.92 of 2023.

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2. The petitioner and the respondent married each other on 20.04.2018.

From the wedlock a girl child was born on 05.06.2020. Thereafter, the parties have separated. The husband had initiated a proceedings for restitution of conjugal rights in O.S.No.134 of 2023 on the file of the Family Court at Coimbatore. The wife who pleaded a divorce, dated 27.06.2023, has initiated a proceeding for maintenance in M.C.No.92 of 2023 on the file of the Family Court at Erode. She would plead that with a four years old child, she is unable to travel from Erode to Coimbatore, for every hearing. Hence, this Transfer Civil Miscellaneous Petition.

3. Notice was ordered in this Transfer Miscellaneous Petition and Mr.Hemanth Kumar appears for the respondent.

4. Heard both parties.

5. The respondent has no objection for the transfer of the proceedings from Coimbatore to Erode. Apart from this no objection, I have to take into consideration the inconvenience that will be caused to the wife as she has to travel the said distance with her child.

6. Taking into consideration the over all circumstances, the suit in O.S.No.134 of 2023 is withdrawn from the file of the Family Court at



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Coimbatore and transferred to the Family Court at Erode to be heard and disposed of along with M.C.No.92 of 2023 pending on the file of the Family Court at Erode.

The Transfer Miscellaneous Petition is allowed accordingly with the above directions. No costs. Consequently, connected CMP is closed.

Index : yes / no
Neutral Citation : yes / no
Speaking / Non Speaking Order
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30..08..2024

To

- 1.The Judge, Family Court, Coimbatore.
- 2.The Judge, Family Court, Erode.



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V.LAKSHMINARAYANAN.J.,

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