



Tr CMP.No.112 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.09.2024

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THE HON'BLE MR.JUSTICE V.LAKSHMINARAYANAN

Tr CMP.No.112 of 2024 &  
CMP.No.2502 of 2024

H.Aishvarya : Petitioner

versus

Dinesh : Respondent

Prayer: Petition filed under Section 24 of the Code of Civil Procedure to withdraw of HMOP.No.4001 of 2023 on the file of the learned 1<sup>st</sup> Additional Principal Family Court, Chennai and transfer the same to the file of the Principal Family Court at Coimbatore to be disposed on merits.

For Petitioner : Mr.R. Ganesh Babu

For Respondent : Ms. Kavitha, for  
Ms.S.Santhi

ORDER

The transfer petitioner is the wife. She married the respondent on 09.06.2016. From the wedlock, a girl was born on 09.10.2017. The girl



Tr CMP.No.112 of 2024

child is now aged about 7 years. The parties separated, constraining the husband to initiate HMOP.No.504 of 2018 for restitution of conjugal rights. In the said petition, the wife initiated a proceeding for interim maintenance which was ordered by the Trial Court.

2. Challenging the same, a civil miscellaneous appeal was preferred before this court in CMA.No.526 of 2021, which came to be dismissed on 24.02.2021. In order to recover the arrears of maintenance, the wife filed E.P.Nos. 3 and 4 of 2020 on the file of the Family Court at Coimbatore. Pending the execution petitions, the parties reunited. Yet again they separated and the wife has returned to her native place at Coimbatore on 09.05.2021. Thereafter, she has initiated M.C.No.228 of 2022 seeking maintenance.

3. It is not in dispute that the husband is regularly appearing before the Family Court at Coimbatore for the said proceeding. After having appeared before the Family Court at Coimbatore, he has filed a fresh petition in HMOP.No.4001 of 2023 seeking restitution of conjugal rights



Tr CMP.No.112 of 2024

before the Principal Family Court, Chennai.

4. The wife pleads that she is unable to travel from Coimbatore to Chennai for attending every hearing, since she has a toddler to take care of. She also pleads her financial inability to undertake the travel from Coimbatore to Chennai. Hence, the transfer petition.

5. Notice was ordered in this application on 09.02.2024. Summons have been served and Ms.Kavitha had entered appearance for the respondent.

6. Taking into consideration the financial and physical inconvenience expressed by the wife, who certainly has to take care of her minor daughter, I am inclined to accept this transfer. Accordingly HMOP.No.4001 of 2023 now pending on the file of the I Additional Principal Family Court at Chennai is withdrawn and is transferred to the file of the Principal Family Court at Coimbatore.



Tr CMP.No.112 of 2024

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7. The learned Principal Family Judge, Coimbatore shall club the said HMOP on transfer along with M.C.No.228 of 2022 and dispose of the same by way of a common judgment. This transfer civil miscellaneous petition is being ordered because there should not be a conflict of judgments to be rendered by the Family Court at Chennai and by the Family Court at Coimbatore.

8. With the above directions, this transfer civil miscellaneous petition is allowed. No costs. Consequently, the connected miscellaneous petition is closed.

**04.09.2024**

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Index : Yes/No

Speaking Order/Non-speaking order

Neutral Citation : Yes/No



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Tr CMP.No.112 of 2024

To

1.The 1<sup>st</sup> Additional Principal Family Court, Chennai

2.The Principal Family Court at Coimbatore



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Tr CMP.No.112 of 2024

**V.LAKSHMINARAYANAN, J.**

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Tr CMP.No.112 of 2024

04.09.2024