



Tr.CMP.No.324 of 2024 &
C.M.P.No.6629 of 2024

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.04.2024

Coram

THE HON'BLE MR JUSTICE V. LAKSHMINARAYANAN

Tr.CMP.No.324 of 2024 &
C.M.P.No.6629 of 2024

S.Sadhana

... Petitioner

-Versus-

S.Balasubramanian

... Respondent

Civil Revision Petition filed under Section 24 of Code of Civil Procedure seeking to withdraw the petition in HMOP.No.268 of 2023 pending on the file of the Subordinate Court, Alandur and transfer the same to the Family Court, Coimbatore to be tried along with HMOP.NO.148 of 2024 pending on the file of Family Court, Coimbatore.

For Petitioner : *Mr.B.Vijayakumar*

For Respondent : *Ms.S.Revathy*

ORDER

The present Transfer Civil Miscellaneous Petition has been filed by the wife seeking for transfer of HMOP.No.268 of 2023 pending on the file of the Sub Court at Alandhur to be tried along with HMOP.No.148 of 2024 pending



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on the file of the Family Court at Coimbatore.

2. Both the petitioner and the respondent are residing in Chennai. They got married on 25.01.2021. From the wedlock, twins were born on 30.03.2022. Thereafter, the relationship between the husband and wife became strained and they were separated. The petitioner has now shifted her residence to Coimbatore and has initiated proceedings before the Family Court at Coimbatore under Section 13(1)(b) of the Hindu Marriage Act.

3. In the meantime, before the presentation of a divorce petition, the husband had approached the Sub Court at Alandur for restitution of conjugal rights in HMOP.No.268 of 2023. On account of the fact that she has no support in Chennai, the petitioner claims that she shifted to Coimbatore and is currently residing with her parents. With her children being less than two years of age, I am of the view that it will be very difficult for the petitioner to leave the children and travel to Chennai to attend the hearing at Alandur.

4. Taking the overall circumstances into consideration, O.P.No.268 of 2023 pending on the file of the Sub Court at Alandur is withdrawn and transferred to the file of the Family Court at Coimbatore to be heard and tried



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along with HMOP.No.148 of 2024 currently pending on its file.

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5. At this stage, learned counsel appearing for the respondent would state that the petitioner is not permitting him to see his twins. This is stoutly opposed by Mr.B.Vijayakumar who states that it is the husband who has not come and visited the children.

6. In this circumstance, as an interim arrangement, by consent of both sides, the husband is granted visitation rights to see and spend time with the children on the second and fourth Sundays of every month. The venue has been suggested by Mr.B.Vijaykumar as Nagasai Temple at Sai Baba Colony, Coimbatore. He would also suggest the time of meeting may be between 10.00 am and 12.00 pm. This course of action is acceptable to the learned counsel for the respondent.

7. Consequently, the husband is permitted to visit the children at the aforesaid location on the aforesaid dates.

8. The learned trial judge, taking into consideration that the husband is



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working in Chennai, will insist on his appearance only on essential dates when his presence is required. On all other dates, the respondent husband will be represented by a counsel.

9. With the above direction, the Transfer Civil Miscellaneous Petition is allowed. No costs. Consequently, connected miscellaneous petition is closed.

04.04.2024

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Index : yes / no
Neutral Citation : yes / no
Speaking / Non Speaking Order

To

1.The Subordinate Court, Alandur



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2. The Family Court, Coimbatore

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V.LAKSHMINARAYANAN, J.

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