



Tr.C.M.P.No.323 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.02.2024

CORAM

THE HONOURABLE MR.JUSTICE V.SIVAGNANAM

Tr.C.M.P.No.323 of 2023

and

C.M.P.No.7232 of 2023

S.Priyanka

W/o.Mani Bharathi

... Petitioner

Vs.

R.Mani Bharathi

S/o.Ramachandran

... Respondent

PRAYER : Petition filed under Section 24 of Civil Procedure Code to withdraw H.M.O.P.No.164 of 2022 from the file of the Sub Court, Mettupalayam and transfer the same to the file of the Family Court, Tiruppur tried along with M.C.No.23 of 2023 on the file of the Family Court, Tiruppur.

For Petitioner : Mr.K.Sudhakar

For Respondent : Mr.S.Ramajayam



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ORDER

This petition has been filed to withdraw H.M.O.P.No.164 of 2022 from the file of the Sub Court, Mettupalayam and transfer the same to the file of the Family Court, Tiruppur tried along with M.C.No.23 of 2023 on the file of the Family Court, Tiruppur.

2. The marriage between the petitioner and the respondent was solemnised on 09.12.2021 as per Hindu Rites and Customs. From and out of the wedlock between them, male child was born aged about one year. Now the child is under the custody of the petitioner. Due to misunderstanding, both the petitioner and the respondent are living separately.

3. The learned counsel for the petitioner states that the respondent filed H.M.O.P No.164 of 2022 for dissolution of marriage before the Sub Court, Mettupalayam. The petitioner had filed M.C.No.23 of 2023 on the file of the Family Court, Tirupur. The petitioner and her child are now



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residing along with her parents at Tiruppur. Thus, she is not in a position to travel all along from Tiruppur to Mettupalayam and contest the case filed by the respondent in H.M.O.P.No.164 of 2022 before the Sub Court at Mettupalayam. He further submitted that the respondent in paragraph No.6 of H.M.O.P.No.164 of 2022 itself stated that, the petitioner / wife is suffering with Nyctalopia and hearing impairment also. Therefore, the petitioner being unemployed and having physical problem is not in a position to travel from Tiruppur to Mettupalayam and hence, the petitioner sought for transferring H.M.O.P.No.164 of 2022 from the Sub Court, Mettupalayam to Family Court, Tirupur to be tried along with M.C.No.23 of 2023.

4. The learned counsel for the respondent has submitted that the respondent has no objection for transferring the case from the Sub Court, Mettupalayam to Family Court, Tirupur to be tried along with M.C.No.23 of 2023.

5. In view of the submission made by the learned counsel for the



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petitioner and also considering the fact that the petitioner is having the physical problem and to take care of her child, this Court is inclined to transfer the case, as prayed for in the petition.

6. Accordingly, H.M.O.P.No.164 of 2022 is hereby directed to be withdrawn from the file of the Sub Court, Mettupalayam to the Family Court, Tiruppur. The Sub Court, Mettupalayam is directed to send the entire records in H.M.O.P.No.164 of 2022 to be tried along with M.C.No.23 of 2023 to the Family Court, Tirupur within a period of two weeks from the date of receipt of a copy of this order and on receiving the same, the Family Court, Tiruppur is directed to issue notice to both parties and dispose of the case on merits within a period of five months thereafter.

7. With the above direction, this Tr.C.M.P. is allowed. No costs. Consequently, connected miscellaneous petition is closed.

14.02.2024

NCC: Yes / No
Index : Yes / No



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Speaking Order : Yes / No
vji

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To

1. The Sub Judge,
Mettupalayam

2. The Judge,
Family Court,
Tirupur



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V.SIVAGNANAM, J.

vji

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