



Tr.C.M.P.No.473 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED : 04..10..2024

Coram

THE HONOURABLE MR.JUSTICE V.LAKSHMINARAYANAN

Transfer Civil Miscellaneous Petition No.473 of 2024

and

C.M.P.No.9534 of 2024

Lavanya

..... Petitioner

-Versus-

K.Jaideep

..... Respondent

Petition filed under Section 24 of the Code of Civil Procedure,1908, to withdraw H.M.O.P. No.9 of 2024 on the file of Subordinate Judge of Palladam and to transfer to Family Court, Coimbatore.

For Petitioner : Mr.K.Sudhakar

For Respondent : Mr.K.Govi Ganesan



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ORDER

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This Transfer Civil Miscellaneous Petition is filed seeking to withdraw H.M.O.P. No. 9 of 2024 on the file of Subordinate Judge of Palladam and to transfer the same to the file of the Family Court, Coimbatore.

2. The petitioner is the wife. She married the respondent on 29.11.2019. The respondent is currently working in Penang, Malaysia. The petitioner/wife has initiated proceedings under the Protection of Women from Domestic Violence Act, 2005, before the Judicial Magistrate at Coimbatore in D.V.A.No.153 of 2023. Thereafter, the respondent/husband has presented a petition for divorce in H.M.O.P.No.9 of 2024 on the file of the learned Subordinate Judge, Palladam, Tiruppur District.

3. The petitioner/wife pleads that she has lost her father and has no male support to travel from Coimbatore to Palladam. She also states that she is unemployed and is living off the grace given by her mother. Hence, this transfer petition.

4. Notice was ordered in this petition on 26.04.2024 and Mr. K.Govi Ganesan has entered appearance for the respondent/husband.



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5. Mr.K.Govi Ganesan confirms that the respondent/husband is currently employed in Malaysia. He objects to the transfer of the proceedings on the ground that in case, the proceedings in H.M.O.P.No.9 of 2024 from the file of the Subordinate Judge at Palladam to the Family Court at Coimbatore, it will not be possible for the respondent/husband to frequently shuttle between Penang, Malaysia, and Coimbatore.

6. The issue that is flagged by Mr. K.Govi Ganesan can be easily addressed by directing the Court at Coimbatore to permit the respondent/husband to appear only for an essential hearing.

7. Taking into consideration the convenience of the petitioner/wife, H.M.O.P.No.9 of 2024 is withdrawn from the file of the learned Subordinate Judge, Palladam, Tiruppur District, and transferred to the file of the learned II Additional Subordinate Judge at Coimbatore, who deals with the matrimonial matters arising between the parties situated in Coimbatore rural areas. The learned II Additional Subordinate Judge, Coimbatore, is requested not to insist on the presence of the respondent/husband on all occasions. The respondent/husband shall, however, be represented by counsel on all dates of hearing. The Judicial Magistrate, Special Court to try cases filed under the



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Protection of Women from Domestic Violence Act, Coimbatore, to the extent possible, shall give dates that coincide with the hearing date given by the learned II Additional Subordinate Judge, Coimbatore, in the transferred divorce proceedings.

With the above directions, this Transfer Civil Miscellaneous Petition is allowed. No costs. Consequently, connected CMP is closed. No costs. Consequently, connected CMP is closed.

Index : yes / no
Neutral Citation : yes / no

04..10..2024

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To

- 1.The Subordinate Court, Palladam, Tiruppur District.
- 2.The II Additional Subordinate Judge, Coimbatore, Coimbatore District.
- 3.The Judicial Magistrate, Special Court to try cases filed under the Protection of Women from Domestic Violence Act, Coimbatore, Coimbatore District.



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V.LAKSHMINARAYANAN.J.,

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