



Tr.C.M.P.No.522 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.07.2024

CORAM

THE HONOURABLE MR.JUSTICE M.NIRMAL KUMAR

Tr.C.M.P.No.522 of 2024 and
C.M.P.No.11702 of 2024

N.Pavithra

... Petitioner

Vs.

K.Prabhu

... Respondent

PRAYER: Transfer Civil Miscellaneous Petition filed under Section 24 of the Code of Civil Procedure, to withdraw H.M.O.P.No.02 of 2016 on the file of the learned Sub-Court at Pollachi and transfer the same to the learned Additional Family Court at Coimbatore.

For Petitioner : Mr.J.Kingsly Solomon

For Respondent : Mr.C.D.Sugumar



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ORDER

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The petitioner filed this civil revision petition seeking transfer of divorce petition in HMOP.No.2 of 2016 filed by her estranged husband from the file of the Subordinate Court, Pollachi and transfer the same to the file of the Additional Family Court at Coimbatore.

2.The learned counsel for the petitioner submitted that the marriage between the petitioner and respondent solemnized on 07.11.2011 at Sultur Thirupathi Venkatachalapathy Kovil, Coimbatore and out of their wedlock, they blessed with a girl baby named P.Heerasai Subarni born on 26.01.2013 at GKNM Hospital, Coimbatore. After 21 days of the marriage, the respondent neglected the petitioner and gone to abroad. During the pregnancy time, the petitioner was not properly taken care by the respondent and his family members. Since the petitioner had given birth to a female baby, the respondent and his family members started to abuse her. He further submitted that earlier, the respondent filed a divorce petition in HMOP.No.129 of 2013 before the learned Subordinate Judge, Kumbakonam and thereafter the same was transferred to the file of the



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Subordinate Judge, Pollachi as per the order of this Court in Tr.CMP(MD)No.418 of 2013 and renumbered as HMOP.No.2 of 2016.

Thereafter, the petitioner filed maintenance case in M.C.No.130 of 2013 before the learned Judicial Magistrate, Coimbatore and the same was transferred to the file of the Subordinate Court, Pollachi. Further the petitioner filed domestic violence case in DVA.No.37 of 2013 before the learned Judicial Magistrate No.I, Coimbatore and the same was transferred to the file of the Judicial Magistrate No.II, Pollachi renumbered as DVA.No.24 of 2017.

3.He further submitted that in the month of October, 2022, interim maintenance of Rs.15,000/- was ordered by the learned Subordinate Judge, Pollachi in M.C.No.130 of 2013. Initially, the respondent was complying with the orders, now for the past three months the respondent not paid the maintenance amount. Presently, the petitioner filed petition for restitution of conjugal rights petition in HMOP.No.483 of 2024 before the learned Additional Family Judge, Coimbatore. Added to it, GWOP.No.130 of 2019 filed by the respondent is also pending before the learned Additional Family



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Judge, Coimbatore. The child is Presently studying VI std at Vishwanger Public School, Coimbatore and the petitioner is the only person who is taking care of the child. The respondent is working in Bangalore, however he can reach Pollachi Court only via Coimbatore. Hence, HMOP.No.2 of 2016 to be transferred to the file of the Additional Family Court, Coimbatore.

4.The learned counsel for the respondent submitted that marriage between the petitioner and respondent solemnized on 07.11.2011 at Sular Thirupathi Venkatachalapathy Kovil, Coimbatore and out of their wedlock, they blessed with a girl baby named P.Heerasai Subarni born on 26.01.2013 at GKNM Hospital, Coimbatore. After the marriage, the petitioner and respondent started their matrimonial life at Kumbakonam and the respondent was working in abroad. Thereafter, the respondent got a job in Chennai and he brought the petitioner and the girl child and stayed at Avadi, Chennai. In the meantime, some misunderstanding arose between the petitioner and the respondent, the petitioner and her family members started abusing the respondent as to why the respondent had left the job in abroad.



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Now, the respondent is working in Bangalore and it is convenient for him to attend the Court at Pollachi. Hence, he prays for dismissal of the revision.

5.Considering the submissions made and on perusal of the materials, it is seen that the petitioner herein who is a single lady residing at Coimbatore along with her minor girl which is not denied by the respondent. It is not in dispute that the respondent is employed in Bangalore and he is appearing in maintenance case before the Sub Court at Pollachi. In view of the same, this Court withdraws H.M.O.P.No.2 of 2016 from the file of the Subordinate Court, Pollachi and transfer the same to the file of the Additional Family Court at Coimbatore.

6.At this juncture, the learned counsel for the petitioner and the respondent submits that dehors the transfer of case, both the petitioner and the respondent are willing for Mediation. Hence, the learned Additional Family Court at Coimbatore is directed to take appropriate steps in this regard.



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WEB COPY 7. Accordingly, the Transfer Civil Miscellaneous Petition is allowed.

No costs. Consequently, connected Civil Miscellaneous Petition is closed.

25.07.2024

Speaking Order/Non Speaking Order

Index : Yes/No

Internet : Yes

Neutral Citation: Yes/No

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To

1. The Subordinate Court,
Pollachi.

2. The Additional Family Court,
Coimbatore.



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M.NIRMAL KUMAR, J.

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