



Tr.C.M.P.No.570 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.08.2024

CORAM

THE HONOURABLE MR.JUSTICE M.NIRMAL KUMAR

Tr.C.M.P.No.570 of 2024

and

C.M.P.No.12500 of 2024

A.Keerthana

... Petitioner

Vs.

D.Vijayaragavan

... Respondent

PRAYER: Transfer Civil Miscellaneous Petition filed under Section 24 of the Code of Civil Procedure, to withdraw the H.M.O.P.No.521 of 2024 pending before the learned Family Judge, Coimbatore and transfer the same to the Family Court, Erode or any other Court of competent jurisdiction by appreciating the above facts and circumstances of the case.

For Petitioner : Mr.J.Ranjithkumar

For Respondent : Mr.V.P.Arivan



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ORDER

The petitioner filed this transfer petition seeking transfer of H.M.O.P.No.521 of 2024 filed by her estranged husband/respondent from the file of the Family Court, Coimbatore to the file of the Family Court, Erode.

2.The learned counsel for the petitioner submitted that marriage between petitioner and respondent solemnized on 04.09.2020 at Sri Angala Parameshwari Temple, Merkkupudhupalayam, Chennimalai, Erode and subsequently, the marriage was registered before Vadavalli SRO, Coimbatore on 07.10.2020. During marriage, customary sridhana articles were presented as gift. The entire marriage expenses were borne by the petitioner's parents. Prior to marriage, the petitioner was informed that the respondent is a Dentist having three clinics, but after marriage it became evident that the respondent was not practising dentistry but rather engaged in liquor business with his brother. Thereafter, the respondent and his family members demanded more dowry to establish a dental clinic. Since,



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the petitioner's family refused to give additional dowry, the petitioner was chased out of the matrimonial home. The petitioner is now living with her parents. Due to the harassment of the respondent and his family members, the petitioner filed a domestic violence case against them in D.V.C.No.18 of 2024 before the Additional Mahila Court, Erode and the same is pending. The respondent filed a petition for divorce in H.M.O.P.No.521 of 2024 before the Family Court, Coimbatore. Since the petitioner is residing with her aged parents, it is difficult for her to travel alone all the way from Eroder to Coimbatore to attend the hearing at Family Court Coimbatore. Hence, the divorce petition filed by the respondent to be transferred to the file of the Family Court, Erode.

3.The learned counsel for the respondent raised several allegations against the petitioner and also raised objection for transferring the proceedings in H.M.O.P.No.521 of 2024 from the file of the Family Court, Coimbatore to the file of the Family Court, Erode.

4.Considering the submissions and on perusal of the materials, it is



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seen that the petitioner is residing in Erode and she is residing with her aged parents. Hence, it is difficult for her to travel all the way from Erode to Coimbatore to attend Court proceedings which is more than 100 kms.

5.In view of the above, this Court withdraws H.M.O.P.No.521 of 2024 from the file of the Family Court, Coimbatore and transfers the same to the file of the Family Court at Erode. Accordingly, this transfer civil miscellaneous petition is allowed. Consequently, connected civil miscellaneous petition is closed. No costs.

02.08.2024

Speaking Order/Non Speaking Order
Index : Yes/No
cse

To

- 1.The Family Court Judge,
Coimbatore.
- 2.The Family Court Judge,
Erode.



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M.NIRMAL KUMAR, J.

cse

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