



Tr.C.M.P No.544 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.07.2024

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THE HONOURABLE Ms. JUSTICE M.NIRMAL KUMAR

Tr.C.M.P No.544 of 2024

and

C.M.P No.12015 of 2024

Rajeshwari

... Petitioner

Vs.

Navaneethan

... Respondent

PRAYER: Transfer Civil Miscellaneous Petition filed under Section 24 of CPC to withdraw the petition in HMOP No.20 of 2024 from the file of Sub Court, Thirumangalam and to transfer the same to the Family Court, Coimbatore.

For Petitioner : Mr.J.Franklin

For Respondent : Mr.Pozhilan (Appeared through V.C)

For Mr.R.Manoharan



ORDER

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The petitioner/wife has filed this Transfer Petition seeking transfer of H.M.O.P.No.20 of 2024, which is filed by the respondent/husband for divorce, from the file of the Subordinate Court, Thirumangalam, to the file of the Family Court, Coimbatore.

2. The contention of the petitioner is that the marriage between the petitioner and the respondent took place on 29.06.2014 at Tirumangalam. After the marriage, both the petitioner and the respondent were staying at Hosur and they were employed in Bangalore. They have a male child born to them on 06.04.2015 named Renes. After some time, the respondent started ill-treating the petitioner and she was forced to leave the matrimonial home on 07.10.2017. Suppressing the real facts, the respondent/husband filed a divorce petition in H.M.O.P No.20 of 2024. The petitioner is presently residing at Coimbatore with her parents and she has to take care of her child. Being a single mother, she has to take care of her child. In view of the same, travelling from Coimbatore to Thirumangalam is not possible. Further, she fears for her safety. Hence, she has filed this transfer petition.



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3. The learned counsel for the respondent submits that the contentions of the petitioner are without any basis. The petitioner deserted the matrimonial home and only thereafter, a divorce petition has been filed by the respondent. The Marriage between the petitioner and the respondent had taken place at Thirumangalam and they were living for sometime at Thirumangalam. For this reason, divorce petition filed by the respondent at Sub Court, Thirumangalam. Further, without going into the other aspects, the learned counsel for the respondent submits that he has no objection in transferring the case from Sub Court, Thirumangalam to Family Court, Coimbatore.

4. In view of the same, this Court is inclined to transfer the case in H.M.O.P No.20 of 2024. Accordingly, this Transfer Civil Miscellaneous Petition is allowed and H.M.O.P No.20 of 2024, pending on the file of the Subordinate Court, Thirumangalam, shall stand withdrawn and transferred to the file of Family Court, Coimbatore. No costs. Consequently, the connected Miscellaneous Petition is closed.

23.07.2024

Index : Yes/No



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Speaking Order : Yes / No
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M.NIRMAL KUMAR, J.,

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To

1. The Subordinate Court,
Thirumangalam
2. The Family Court,
Coimbatore.
3. The Section Officer,
VR Section, Madras High Court,
Chennai.

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