



Tr.C.M.P.No.616 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 31.07.2024

CORAM

THE HONOURABLE MR.JUSTICE M.NIRMAL KUMAR

Tr.C.M.P.No.616 of 2024

and

C.M.P.No.12280 of 2024

S.Subashree

... Petitioner

Vs.

G.Vignesh Kumar

... Respondent

PRAYER: Transfer Civil Miscellaneous Petition filed under Section 24 of the Code of Civil Procedure, to withdraw the H.M.O.P.No.168 of 2023 on the file of the Subordinate Court, Thirumangalam, Madurai District and to transfer the same to the Principal Family Court at Coimbatore and be tried along with M.C.No.03 of 2024.

For Petitioner : Mr.I.Siddartha Ramarajan

For Respondent : Mr.J.Hariharan
for M/s.KV Law Firm



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ORDER

The petitioner filed this transfer petition seeking transfer of H.M.O.P.No.168 of 2023 filed by her estranged husband/respondent from the file of the Subordinate Court, Thirumangalam, Madurai District to the file of the Principal Family Court, Coimbatore.

2.The learned counsel for the petitioner submitted that marriage between petitioner and respondent solemnized on 14.03.2022 at Thiruparankundram Temple, Madurai and out of their wedlock, they blessed with a male child, Vihaan Pandian born on 18.11.2022. After birth of the children, the respondent has not visited the petitioner or the child. On 02.06.2023, when the respondent came to see his child there was a petty quarrel between the petitioner and the respondent, for which the respondent left the matrimonial home by assaulting the petitioner. Thereafter, the respondent not returned back and taken no steps to take the petitioner back to the matrimonial home. The petitioner is now living with her parents along with the child. Right from the date of separation between them, neither the respondent nor his family members made any arrangement for



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reconciliation. He further submitted that the petitioner filed maintenance case against the respondent in M.C.No.3 of 2024 which is pending before the Principal Family Court at Coimbatore. The petitioner without income is finding difficult to maintain herself and the child and she cannot travel from Madurai to Coimbatore to attend the Court proceedings along with the child. Hence, the divorce petition filed by the respondent to be transferred to the file of the Principal Family Court at Coimbatore and tried along with the maintenance case.

3.The learned counsel for the respondent though raised several allegations against the petitioner, has no objection for transferring the proceedings in H.M.O.P.No.168 of 2023 to the file of the Principal Family Court at Coimbatore.

4.Considering the submissions and on perusal of the materials, it is seen that the petitioner is now with her parents and taking care of her child and she could not travel all the way from Madurai to Coimbatore to attend Court proceedings which is around 230 kms. Added to it, the respondent has no objection for transfer the case to the Principal Family Court at



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Coimbatore.

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5.In view of the above, this Court withdraws H.M.O.P.No.168 of 2023 from the file of the Subordinate Court, Thirumangalam, Madurai District and transfers the same to the file of the Principal Family Court at Coimbatore. On receipt of entire case bundle, the Principal Family Court at Coimbatore is directed to conduct trial in H.M.O.P.No.168 of 2023 along with the maintenance case in M.C.No.3 of 2024 and dispose of both proceedings, within a period of six months thereafter. Accordingly, this transfer civil miscellaneous petition is allowed. Consequently, connected civil miscellaneous petition is closed. No costs.

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Speaking Order/Non Speaking Order
Index : Yes/No

cse



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- To
- 1.The Subordinate Judge,
Thirumangalam,
Madurai District.
 - 2.The Principal Family Court,
Coimbatore.



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M.NIRMAL KUMAR, J.

cse

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