



WEB COPY



Tr.C.M.P.No.653 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10..09..2024

Coram

THE HONOURABLE MR.JUSTICE V.LAKSHMINARAYANAN

Transfer Civil Miscellaneous Petition No.653 of 2024

and

C.M.P.No.14066 of 2024

Mrs.Karthika

..... Petitioner

-Versus-

B.Venkateswara Madhavan

..... Respondent

Petition filed under Section 24 of the Code of Civil Procedure,1908, praying to withdraw the case in F.C.O.P.No.163 of 2021 pending on the file for the Family Court, Erode and to transfer the same to the file of the learned Judge, Additional Family Court, Coimbatore, to be tried along with the case in H.M.O.P.No.1046 of 2023.

For Petitioner : Mr.R.Narainkaicharan

For Respondent : Mr.J.Ranjith Kumar

ORDER

This Transfer Miscellaneous Petition has been filed praying to withdraw the case in F.C.O.P.No.163 of 2021 pending on the file of the Family Court, Erode and to transfer the same to the file of the learned Judge, Additional



Tr.C.M.P.No.653 of 2024

Family Court, Coimbatore, to be tried along with the case in H.M.O.P.No.1046 of 2023.

2. The petitioner is the wife. She married the respondent on 18.11.2015 at Coimbatore. The parties belonged to different castes which seems to be the reason for their separation. Nonetheless, from the wedlock, a child was born and is now in the custody of the mother. The husband has initiated H.M.O.P.No.163 of 2021 on the file of the Family Court at Erode. In response, the wife has initiated a petition for restitution of conjugal rights in H.M.O.P.No.1046 of 2023.

3. Pleading that she is not in a position to travel from Coimbatore to Erode, she has moved this petition.

4. Notice was ordered in this petition on 18.07.2024. The respondent has been served and Mr.J.Ranjithkumar has entered appearance for the respondent/husband.

5. The distance between Erode and Coimbatore though not very considerable, I have to take into consideration the fact that the petitioner/wife is taking care of the child who is aged about 7 years. It will be difficult for her to leave the child unattended at Coimbatore and travel to Erode for the purpose of attending the litigation. Apart from that, it is necessary that the divorce



Tr.C.M.P.No.653 of 2024

petition and the petition for restitution of conjugal rights are heard together.

Therefore, I am inclined to accept the transfer. Accordingly, the case in H.M.O.P.No.163 of 2021 pending on the file of the Family Court, Erode, is withdrawn and transferred to the file of the Additional Principal Judge, Family Court, Coimbatore, to be heard and disposed of along with the case in H.M.O.P.No.1046 of 2023.

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

Index : yes / no
Neutral Citation : yes / no
Speaking / Non Speaking Order
kmk

10..09..2024

To

- 1.The Judge, Family Court, Erode, Erode District.
- 2.The Addl. Principal Judge, Family Court, Coimbatore, Coimbatore District.



WEB COPY



Tr.C.M.P.No.653 of 2024

V.LAKSHMINARAYANAN.J.,

kmk

Tr.C.M.P.No.653 of 2024

10..09..2024