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Tr.CMP.No.746 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.06.2024

Coram

THE HON'BLE MR JUSTICE V. LAKSHMINARAYANAN

Tr.CMP No.746 of 2023

and

CMP.No.18132 of 2023

M.Vanitha Devi

... Petitioner

-Versus-

D.Vimalraj

... Respondent

Transfer Civil Miscellaneous Petition filed under Section 24 of C.P.C. seeking to withdraw the case in H.M.O.P.No 787 of 2019 pending before the Family Court, Coimbatore and transfer the same to the Sub Court at Bhavani to hear with H.M.O.P.No 31 of 2023.

For Petitioner : Mr.N.Daranath

*For Respondent : Mr.Vengadesh Durairaja for
Mr.R.Suryakumaran*

ORDER

The petitioner and the respondent entered into matrimony on 13.03.2013. From the wedlock, a male child was born on 07.03.2014. Due to disputes and the differences that have arisen between the parties, the respondent/husband has initiated the proceedings in HMOP.No.787 of 2019 on the file of the



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Family Court at Coimbatore.

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2. The petitioner/wife pleads that she is unable to travel from Anthiyur in Erode District for attending the hearing before the Family Court at Coimbatore. She pleads that the child is now studying fourth standard, and is in her custody. She further pleads that the distance between Anthiyur and Coimbatore is about 105 km, and she has no support. She is forced to travel alone, leaving behind her child, in order to attend the hearing at Coimbatore. She would also state that she has initiated HMOP.No.31 of 2023 seeking restitution of conjugal rights before the Sub Court at Bhavani.

3. Taking into consideration the difficulties expressed by the wife and also the fact that the child from the wedlock who is studying fourth standard is under the custody of the petitioner and that the distance between Anthiyur and Coimbatore is considerable, I am inclined to allow this transfer petition.

4. Accordingly, this Transfer Civil Miscellaneous Petition is allowed. HMOP.No.787 of 2019 is withdrawn from the file of the Family Court at Coimbatore and is transferred to the file of the Sub Court at Bhavani to be heard and disposed of along with HMOP.No.31 of 2023. No costs. Consequently, the connected miscellaneous petition is closed.

18.06.2024

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Index : Yes/No
Speaking Order/Non-speaking order
Neutral Citation : yes/No

To

- 1.The Family Court, Coimbatore
2. The Sub Court at Bhavani



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V.LAKSHMINARAYANAN, J.

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