



WEB COPY



Tr.CMP No.772 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.06.2024

CORAM :

THE HONOURABLE MR.JUSTICE V. LAKSHMINARAYANAN

TR.CMP No.772 of 2023
and C.M.P.No.18870 of 2023

Amalia Snows Norena

.... Petitioner

-Vs-

V.Praveen

.... Respondent

Prayer : Transfer Civil Miscellaneous Petition under Section 24 of C.P.C., to withdraw the petition for divorce in I.D.O.P.No.5456 of 2022 on the file of the VI Family Court Judge at Chennai and to transfer the same to the file of the Additional Family Court, Coimbatore to be tried along with M.C.No.184 of 2022.

For Petitioner : Mr.S.S.Swaminathan

For Respondent : No appearance

ORDER

The petitioner is the wife. She seeks for withdrawal of I.D.O.P.No.5456 of 2022 on the file of VI Family Court, Chennai and to transfer the same to the file of the Additional Family Court at Coimbatore, where the petition initiated by her under Section 125 of the Code of Criminal Procedure in M.C.No.184 of 2022 is pending consideration.



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2. The petitioner and the respondent entered into the matrimony on 03.09.2017. Thereafter from the wedlock, a male child was born on 04.03.2020. Due to differences that arose when the parties were at Nagercoil, they separated. The petitioner, stating that the husband is not taking care of her, has initiated proceedings before the Additional Family Court at Coimbatore in M.C.No.184 of 2022. In the meantime, the husband has initiated proceedings for divorce in I.D.O.P.No.5456 of 2022 on the file of the Family Court at Chennai. She states that she is unable to travel from Coimbatore to Chennai for every hearing. Therefore, she has moved this transfer petition. She also states that she is suffering from physical ailments, which inhibits her from undertaking regular travel.

3. Notice was ordered in this application on 25.08.2023. The respondent entered appearance through a counsel, but has not been present before this Court on 04.06.2024, 07.06.2024 and today ie., 10.06.2024.

4. Taking into consideration the financial and physical inability pleaded by the wife and since the husband in any event travels to Coimbatore to attend the hearing in M.C.No.184 of 2022, the divorce proceedings in I.D.O.P.No.5456 of 2022 are withdrawn from the file of the Family Court at Chennai and transferred to the file of the Additional Family Court at Coimbatore, for it to be heard and disposed of along



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with M.C.No.184 of 2022. The Additional Family Court at Coimbatore shall not insist on the appearance of respondent husband for every hearing. The husband shall appear for all essential hearings where his presence is indispensable. For the other hearings including procedural matters, he will be represented through a counsel.

5. With the above directions, this Tr.C.M.P. is allowed. No costs. Consequently, connected miscellaneous petition is closed.

10.06.2024

Index : Yes/No

Neutral Citation : Yes/No

KST

To

- 1.The Family Court, Chennai
- 2.The Additional Family Court, Coimbatore.



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V. LAKSHMINARAYANAN, J.

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