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Tr.C.M.P. No. 790 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.09.2024

CORAM

THE HONOURABLE MR. JUSTICE V.LAKSHMINARAYANAN

Tr.C.M.P. No. 790 of 2024

and

C.M.P. No. 17351 of 2024

Dr.V.Arthi

... Petitioner / Respondent

Vs.

P.Sakthivel

... Respondent / Petitioner

PRAYER: Transfer Miscellaneous Petition is filed under Section 24 of the Code of Civil Procedure, 1908, to withdraw and transfer the Divorce petition in HMOP No.1007 of 2024 pending before the learned Family Judge, Coimbatore, Coimbatore District to the learned Family Judge, Vellore, Vellore District.

For Petitioner : Ms.S.Priyadarshini
for Mr.E.Kannadasan

For Respondent : No appearance



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ORDER

The petitioner married the respondent on 20.10.2023 at Vellore. Due to disputes and differences, the parties have separated. The husband has initiated proceedings for divorce in HMOP No.1007 of 2024 on the file of the Family Court at Coimbatore.

2. The wife has initiated a proceeding for restitution of conjugal rights in HCOP No.57 of 2024 on the file of the Family Court at Vellore. Pleading that she is unable to travel from Vellore to Coimbatore, she has moved this transfer petition.

3. Notice was ordered in the petition on 14.08.2024. The respondent has been served, but he has not entered appearance.

4. Heard Ms. S.Priyadharshini, learned counsel appearing for the transfer petitioner.

5. As two proceedings are pending and in order to avoid conflict of judgments, it is better that they are heard by the same Court. The distance



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between Vellore and Coimbatore is considerable.

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6. Taking into consideration the convenience of the wife, I am inclined to accept the transfer petition. Accordingly, HMOP No.1007 of 2024 is withdrawn from the file of Family Court at Coimbatore and transferred to the file of the Family Court at Vellore, to be heard and disposed of along with HCOP No.57 of 2024.

7. The learned Judge, Family Court, Vellore, will not insist on the appearance of the husband for every hearing. He shall, however, appear when his appearance is essential or when so directed by the Family Court. On the other hearings, he may be represented through a counsel.

8. In the result, the Transfer Civil Miscellaneous Petition stands allowed. There shall be no order as to costs. Consequently, the connected miscellaneous petition is closed.

27.09.2024

jv

Index : Yes/No

Speaking order : Yes/No

NCC : Yes/No



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To

1. The Judge,
Family Court
Coimbatore, Coimbatore District
2. The Judge,
Family Court
Vellore, Vellore District.



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V.LAKSHMINARAYANAN, J.,

jv

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