



WEB COPY



Tr.CMP.No.845 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.06.2024

CORAM

THE HONOURABLE MR.JUSTICE V.LAKSHMINARAYANAN

Tr.CMP.No.845 of 2023

and

C.M.P.No.20302 of 2024

P.Jency Sundari Maria

.. Petitioner

Vs.

A.Geoffry Nayak

.. Respondent

Prayer : The Transfer Civil Miscellaneous Petition is filed under Section 24 of the Code of Civil Procedure, to withdraw the proceeding in I.D.O.P.No.300 of 2023 pending on the file of the Principal District Court at Tiruppur District and transfer the same to the file of the Family Court at Coimbatore District.

For Petitioner : Mr.R.Veeramani

For Respondent : M/s.S.Usha Rani

ORDER

The marriage between the petitioner and the respondent was solemnized at St. Michael's Cathedral Church on 27.01.2020.



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2. From the wedlock, a female child was born, who is aged about three and a half years today. She is now studying in Kindergarten.

3. Due to differences that have arisen between the parties, the husband has initiated divorce proceeding in I.D.O.P.No.300 of 2023 on the file of the learned Principal District Judge at Tiruppur. The petitioner pleads that she being a resident of Coimbatore, is unable to travel from Coimbatore to Tiruppur which would be about 200 Kms to and fro.

4. She would state that as she is taking care of the child, she is not in a position to travel from Coimbatore to Tiruppur to attend the Court hearings.

5. Notice was issued in the transfer petition and M/s.S.Usha Rani has entered appearance on behalf of the respondent and she has also filed her counter.

6. She would plead that it would be difficult for the husband to travel



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from Tiruppur to Coimbatore. She also states that the wife is not permitting the husband to have visitation rights over the child.

7. Mr.R.Veeramani, on instructions, would report that the wife is willing to permit the husband to visit the child at “St. Francis of Assisi Church, Athipalayam Pirivu, Ganapathy, Coimbatore” on every Sunday from 10 A.M. to 12 P.M.

8. Taking into consideration that the wife is attending to a toddler, I am inclined to allow this transfer petition. Hence, the proceeding in I.D.O.P.No.300 of 2023 pending on the file of the learned Principal District Judge at Tiruppur is withdrawn and it shall stand transferred to the file of the Family Court at Coimbatore.

9. The learned Family Judge at Coimbatore is requested not to insist on the presence of the husband for every hearing, but he shall be directed to be present only for such hearings where his presence is indispensable. On the other hearings, he may be represented through a counsel.

10. The husband is entitled to visit the child on the aforesaid Church



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on all Sundays from 10 A.M. to 12 P.M.

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11. Accordingly, the Transfer Civil Miscellaneous Petition stands allowed. No costs. Consequently, connected Civil Miscellaneous Petition is closed.

07.06.2024

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Index:Yes/No

Speaking Order :Yes/No

Neutral Citation:Yes/No

V. LAKSHMINARAYANAN, J.



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To

- 1.The Principal District Court,
Tiruppur
- 2.The Family Court,
Coimbatore

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