



WEB COPY



Tr.CMP.No.880 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.06.2024

Coram

THE HON'BLE MR JUSTICE V. LAKSHMINARAYANAN

Tr.CMP No.880 of 2023

and

CMP.No.21131 of 2023

R.Praba

... Petitioner

-Versus-

P.Soundararajan

... Respondent

Transfer Civil Miscellaneous Petition filed under Section 24 of C.P.C. seeking to withdraw O.S.No.62 of 2023 pending on the file of the Family Court, Coimbatore and transfer the same to the file of the Family court, Erode to be heard and along with HMOP.No.538 of 2022.

For Petitioner : *Mr.S.Karpagapriya*

For Respondent : *Mr.P.Ramkumar*

ORDER

The petitioner and the respondent entered into matrimony on 17.01.2013.

Alleging that the respondent is a wastrel and drunkard, the petitioner has moved



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HMOP.No.538 of 2022 on the file of the Family Court at Erode seeking for divorce. After service of summons in the proceedings, the respondent/husband has initiated proceedings in O.S.No.62 of 2023 on the file of the Family Court, Coimbatore seeking to cancel the settlement deed that had been executed in favour of the petitioner/wife.

2. As it is a matrimonial dispute between the parties, I feel that both the proceedings must be tried by the same court.

3. Taking into consideration that the petitioner would have to travel a considerable distance from Erode to Coimbatore for the purpose of contesting the litigation and since she had initiated the proceedings first, I am inclined to transfer the proceeding. Accordingly, O.S.No.62 of 2023 on the file of the Family Court at Coimbatore is withdrawn and is transferred to file of the Family Court at Erode to be heard and tried along with HMOP.No.538 of 2022 which is pending on the file of the Family Court at Erode. It is made clear that the Family Court at Erode need not insist upon the respondent to appear for every hearing except the essential hearing. For non-essential or procedural hearings, he may be represented through a counsel.



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4. With the above direction, this transfer civil miscellaneous petition is allowed. No costs. Consequently, the connected miscellaneous petition is closed.

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

To

- 1.The Family Court, Erode
- 2.The Family Court, Coimbatore



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V.LAKSHMINARAYANAN, J.
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