



Tr.C.M.P.No. 923 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. 923 of 2024

&

C.M.P.No. 20137 of 2024

A.Vignesh

Rep. by his POA Mr.Amara Sundar

...Petitioner

Vs.

Keerthiya

...Respondent

Prayer: Petition is filed under Section 24 of the Code of Civil Procedure to withdraw H.M.O.P.No.1439 of 2023 on the file of the Principal Family Court, Coimbatore and transfer the same to the Subordinate Court, Alandur.

For Petitioner : Mr. D.Selvam



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For Respondent : Mr.C.R.Prasannan

ORDER

The transfer petitioner is the husband. The marriage between the petitioner and the respondent was solemnised on 10.06.2022 at Madurai. The petitioner states that he is currently working in Canada and conducting the proceedings through his father and power of attorney, Mr. Amara Sundar.

2. The wife has filed H.M.O.P.No.1439 of 2023 on the file of the Principal Family Court, Coimbatore, for divorce. Subsequently, the husband has initiated the proceedings for restitution of conjugal rights in H.M.O.P.No.453 of 2024, on the file of the Subordinate Court, Alandur. The husband pleads that the proceedings initiated by the wife should be transferred to the Court at Alandur.

3. I issued notice to the respondent / wife on 11.09.2024 and



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Mr.C.R.Prasannan has entered appearance for the wife and has filed a detailed counter.

4. In paragraph No.11 of the counter, he would state that the wife is an Officer with the Punjab National Bank, Coimbatore and the working hours in her branch seems to be 8 a.m. to 8 p.m. The wife states that it is difficult for her to attend hearings in Alandur or to engage a new Advocate at the said place.

5. I have carefully considered the arguments of Mr.D.Selvam and Mr.C.R.Prasannan for the respective parties and gone through the records.

6. It is not in dispute that the transfer petitioner is not in India. Therefore, whether the proceedings are going to be conducted at Coimbatore or at Alandur would not make any difference to him. He is contesting the proceedings, taking the assistance, of his father and



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has appointed him as a power of attorney. The power of attorney, even at the time when it is executed, was well aware that he has to be present before the Court at Coimbatore. This is so because the wife was first of block in approaching the Court.

7. At this stage, Mr.C.R.Prasannan brought to my notice that the II Additional Subordinate Court, Coimbatore, deals with the family disputes. Since the power of attorney is also a senior citizen, calling upon him to appear for every hearing before the Court at Coimbatore, might be slightly hard on him.

8. Taking into consideration the overall circumstances and since it is the wife who has initiated the proceedings first, I am inclined to transfer H.M.O.P.No.453 of 2024 pending on the file of the Subordinate Court, Alandur and H.M.O.P.No.1439 of 2023 on the file of the Principal Family Court, Coimbatore, to the file of the II Additional Subordinate Court, Coimbatore.



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9. The learned II Additional Subordinate Judge, Coimbatore shall club both the proceedings and try the same and pass a common order. Being a Subordinate Court, it is not necessary for the parties to appear for every hearing. Suffice, if they appear on the dates in which their presence is indispensable.

10. With the above observation, the Civil Revision Petition is disposed of. Consequently, the connected miscellaneous petition is closed. No costs.

27.09.2024

Index : Yes/No
Internet : Yes/No
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To

1.The Principal Family Court,
Coimbatore.

2.The Subordinate Court,
Alandur.

3.The II Additional Subordinate Court,
Coimbatore



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V.LAKSHMINARAYANAN, J.

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