



Tr Cmp.Nos.1045 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.02.2024

CORAM

THE HONOURABLE MR.JUSTICE V.SIVAGNANAM

Tr CMP.No.1045 of 2023

and

CMP.Nos.25302 of 2023

K. Premkumar ... Petitioner

/vs/

P. Priyadarshini ... Respondent

PRAYER : This Transfer Civil Miscellaneous Petition has been filed under Section 24 of Civil Procedure Code to withdraw the H.M.O.P.No.98 of 2021 on the file of the Family Court, Thanjavur and transfer the same on the file of Additional Family Court, Coimbatore District.

For Petitioner ... Mr. S. Nedunchezhiyan

For Respondent ... Mr. B. Ramkumar

ORDER

The Transfer Civil Miscellaneous Petition has been filed to withdraw and transfer the case in H.M.O.P.No.98 of 2021 from the file of Family Court, Thanjavur to the file of the Additional Family Court, Coimbatore.



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2.The learned counsel appearing for the petitioner submitted that the petitioner is husband and the respondent is wife. They have two female children, namely, Sirithika (16 yrs.) and Hansika (12 yrs). Due to misunderstanding between them, they separated. The respondent/wife had filed DVC No.129 of 2020 before the Additional Mahila Court, Thanjavur for maintenance for herself and her daughters and other reliefs, against which, the petitioner/husband filed a petition in H.M.O.P.No.98 of 2021 before the Family Court, Thanjavur, for divorce and now, both the cases are under trial in the respective Courts in Thanjavur. Thereafter, the petitioner/husband had filed a suit in O.S.No.16 of 2022 before the Additional Family Court, Coimbatore claiming ownership over the schedule mentioned property and also filed a guardian original petition in G.W.O.P.No.263 of 2022 on the file of Additional Family Court, Coimbatore. He further submitted that now, both the petitioner and the respondent are residing at Coimbatore and hence, it finds very difficult to attend the Trial in HMOP No.98 of 2021 on the file of the Family Court, Thanjavur and DVC No.129 of 2020 pending on the file of the Additional Mahila Court, Thanjavur. Hence, he prays to transfer the case in



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H.M.O.P.No.98 of 2021 on the file of the Family Court, Thanjavur, to the file of Additional Family Court, Coimbatore and also transfer the DVC No.129 of 2020 pending on the file of the Additional Mahila Court, Coimbatore to the file of Additional Mahila Court, Coimbatore and prayed to allow the transfer civil miscellaneous petition.

3.The learned counsel appearing for the respondent has no objection in allowing the petition.

4. In view of the above submission, this Court is inclined to transfer the H.MO.P.No.98 of 2021 from the file of Family Court, Thanjavur to the file of the Additional Family Court, Coimbatore

5.In view of the above, H.M.O.P.NO.98 of 2021 is directed to be withdrawn from the file of the Family Court, Thanjavur and transferred the same to the file of the Additional Family Court, Coimbatore. The Judge, Family Court, Thanjavur, is hereby directed to send entire records to the Additional Family Court, Coimbatore, within a period of two weeks from



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the date of receipt of a copy of this order and the learned Judge, Additional Family Court, Coimbatore is directed to issue notice to the respondent and dispose of the cases as early as possible. The respondent is directed to appear before the trial Court as directed by it whenever his presence is necessary.

6. In the result, this Transfer Civil Miscellaneous Petition is allowed.

No costs. Consequently, the connected miscellaneous petition is closed.

Index : Yes/No
Internet : Yes/No
mrp

19.02.2024
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To
1.The Family Court,
Thanjavur.

2.The Additional Family Court,
Coimbatore.



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V.SIVAGNANAM ,J.

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