



Tr Cmp.No.1009 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.02.2024

CORAM

THE HONOURABLE MR.JUSTICE V.SIVAGNANAM

Tr CMP.No.1009 of 2023

and

CMP.No.24354 of 2023

R. Saranya

...

Petitioner

/vs/

A.E.Ganapathy Karthik

...

Respondent

PRAYER : This Transfer Civil Miscellaneous Petition has been filed under Section 24 of Civil Procedure Code to withdraw H.M.O.P.No.1357 of 2023 pending on the file of the Principal Family Court, Coimbatore and transfer the same to the file of the Court of Subordinate Judge, Sathyamangalam.

For Petitioner

...

Mr. C.E.Pratap

For Respondent

...

Mr.V.Vijayakumar



Tr Cmp.No.1009 of 2023

ORDER

WEB COPY This Transfer Civil Miscellaneous Petition has been filed to withdraw and transfer the case in H.M.O.P.No.1357 of 2023 from the file of the Principal Family Court, Coimbatore to the file of the Subordinate Court, Sathyamangalam.

2.The learned counsel appearing for the petitioner submitted that the petitioner is wife and the respondent is husband. They have 1 ½ years old girl child. Due to misunderstanding between them, they separated. The respondent/husband had filed a petition in H.M.O.P.No.1357 of 2023 before Principal Family Court, Coimbatore for divorce. The petitioner is presently residing with her parents' house along with 1 ½ year old daughter at Sathyamangalam, Erode District. The distance between Sathyamangalam to Coimbatore is around 70 kilometers and she finds it very difficult to attend each and every hearing of the said proceedings before Principal Family Court, Coimbatore. Hence, she prays to transfer the case in H.M.O.P.No.1357 of 2023 from the file of the Principal Family Court, Coimbatore to the file of the Court of Subordinate Judge, Sathyamangalam and prayed to allow the transfer civil miscellaneous



Tr Cmp.No.1009 of 2023

petition.

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3.The learned counsel appearing for the respondent objected and also submitted that if the matter is referred to mediation, there is a likelihood of an amicable settlement between the parties.

4.I have considered the matter in the light of the submissions made by the learned counsel on either side and perused the materials available on records.

5.On perusal of the records, it is noticed that the respondent/husband filed HMOP No.1357 of 2023 before the Principal Family Court, Coimbatore, for divorce against the petitioner/wife and it is not disputed that the petitioner is having 1 ½ year old female child and residing with her parents' house at Sathyamangalam.

6.Considering the facts and circumstances and the reason assigned by the petitioner is justifiable, this Court is inclined to transfer the H.M.O.P.No.1357 of 2023 from the file of the Principal Family Court, Coimbatore to the file of the Subordinate Court, Sathyamangalam.

7.In view of the above, H.M.O.P.No.1357 of 2023 is directed to be



Tr Cmp.No.1009 of 2023

withdrawn from the file of the Principal Family Court, Coimbatore and transferred the same to the file of the Subordinate Court, Sathyamangalam.

The Principal Family Judge, Coimbatore, is hereby directed to send entire records to the Subordinate Court, Sathyamangalam, within a period of two weeks from the date of receipt of a copy of this order and the learned Subordinate Judge, Sathyamangalam is directed to issue notice to the respondent. The petitioner and the respondent are directed to appear before the trial Court as directed by it whenever their presence is necessary.

8. With the above directions, this Transfer Civil Miscellaneous Petition is allowed. No costs. Consequently, the connected miscellaneous petition is closed.

Index : Yes/No
Internet : Yes/No

19.02.2024

mrp

To
1.The Principal Family Court,
Coimbatore.
2.The Subordinate Court,
Sathyamangalam.



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Tr Cmp.No.1009 of 2023

V.SIVAGNANAM ,J.

mrp

Tr CMP.No.1009 of 2023
and
CMP.No.24354 of 2023

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