



WEB COPY



Tr.CMP.No.1067 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.06.2024

Coram

THE HON'BLE MR JUSTICE V. LAKSHMINARAYANAN

Tr.CMP No.1067 of 2023

and

CMP.No.25588 of 2023

Geetha

... Petitioner

-Versus-

1.Ramesh Kumar

2.Subramaniaswamy

... Respondents

Transfer Civil Miscellaneous Petition filed under Section 24 of C.P.C. seeking to withdraw the H.M.O.P.No 738 of 2023 from the Additional Family Court, Coimbatore, and to transfer the same to the file of the Family Court in Nilgiris District.

For Petitioner : Mr.R.Prabakar

For Respondents : Mr.G.Sugadev Rajaguru

ORDER

The petitioner and the first respondent entered into matrimony on 25.03.2007. From the wedlock, a child was born in the year 2008. The child is in the custody of the mother. Making an allegation that the petitioner has



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developed some relationship with the second respondent, the husband has initiated HMOP.No.738 of 2023 on the file of the Additional Family Court at Coimbatore.

2. The petitioner is a practising lawyer before the Family Court at Coimbatore. She states that her reputation with her clients, as well as the presiding officer would be at stake in case the proceedings took place before the same court. She would also plead that, as the first respondent is not taking care of the child, she is constrained to generate income in order to maintain the child.

3. Notice had been ordered in this transfer petition on 16.11.2023. The respondent/husband has been served and has entered appearance through Mr.G.Sugadev Rajaguru.

4. I pointed out Mr.G.Sugadev Rajaguru that on the allegations made in the petition, if the parties were to go for trial it would not be conducive for the continuance of practice of the petitioner before the Family Court at Coimbatore. He would point out that the entire idea of the petitioner is to drag on the proceedings. He states that she is working in Coimbatore and the first



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respondent is also working in Coimbatore. The Family Court at Coimbatore would be an appropriate choice for conducting the litigation.

5. I have gone through the petition where some serious allegations have been made as against the petitioner and the second respondent. Mr.G.Sugadev Rajaguru also pointed out that the second respondent's wife has also made similar allegations against the petitioner and her husband.

6. In the interest of justice, since it affects the life and livelihood of the petitioner, I feel if the proceedings are transferred to the court in which she does not have practice, then it would create a free atmosphere for the parties to let in evidence.

7. Therefore, by consent, the Family Court at Tiruppur is chosen as the appropriate place for the litigation. Accordingly, HMOP.738 of 2013 is withdrawn from the file of the Additional Family Court at Coimbatore and is transferred to the file of the Family Court at Tiruppur. The parties shall appear before the Family Court at Tiruppur on 18.07.2024. It is made clear that the



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Family Court at Tiruppur need not insist upon the first respondent to appear for every hearing except the essential hearing. For non-essential or procedural hearings, he may be represented through a counsel.

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

18.06.2024

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



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To

1. The Additional Family Court, Coimbatore
2. The Family Court in Tiruppur.



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V.LAKSHMINARAYANAN, J.

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