



WEB COPY



Tr.CMP.No.1126 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.06.2024

CORAM

THE HONOURABLE MR.JUSTICE V.LAKSHMINARAYANAN

Tr.CMP.No.1126 of 2023

and

C.M.P.No.27062 of 2023

Mahalakshmi

.. Petitioner

Vs.

G.Loganathan

.. Respondent

Prayer : The Transfer Civil Miscellaneous Petition is filed under Section 24 of the Code of Civil Procedure, to withdraw the proceeding in H.M.O.P.No.459 of 2023 from the file of the Family Court at Karur and transfer the same to the file of the Family Court at Coimbatore to try along with H.M.O.P.No.1079 of 2022.

For Petitioner : Mr.K.Ramesh Kumar

For Respondent : M/s.G.V.Seethalakshmi

ORDER

The petitioner is the wife. The parties were married on 25.05.2008 at Coimbatore. From the wedlock, a female child was born on 09.04.2012, who is aged about 12 years today.

2. Subsequently, the parties have developed the matrimonial disputes



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which constrained the wife to initiate the proceeding for judicial separation in H.M.O.P.No.1079 of 2022. After having appeared before the counseling for three hearings, the husband has proceeded to file a petition, under Section 9 of the Hindu Marriage Act, for restitution of conjugal rights before the Family Court at Karur. This petition has been taken on file as H.M.O.P.No.459 of 2023.

3. The petitioner/wife, being unable to travel from Coimbatore to Karur, has moved this transfer petition. Taking into consideration that the mother, who is having a custody of a twelve years old female child, and also the fact that the husband has initiated the proceeding only after the wife has filed a petition for judicial separation, I am inclined to allow this transfer petition.

4. Hence, the proceeding in H.M.O.P.No.459 of 2023 now pending on the file of the Family Court at Karur is withdrawn and it shall stand transferred to the file of the Family Court at Coimbatore to be heard and disposed of along with H.M.O.P.No.1079 of 2022.



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5. The learned Family Judge at Coimbatore is requested not to insist on the presence of the husband for every hearing, but he shall be directed to be present only for such hearings where his presence is indispensable. On the other hearings, he may be represented through a counsel.

6. Accordingly, the Transfer Civil Miscellaneous Petition stands allowed. No costs. The connected Civil Miscellaneous Petition is closed.

03.06.2024

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Index: Yes/No

Speaking Order : Yes/No

Neutral Citation: Yes/No



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V. LAKSHMINARAYANAN, J.

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To

1.The Family Court,
Karur

2.The Family Court,
Coimbatore

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and

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