



Tr.C.M.P.No. 1099 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.04.2024

CORAM

THE HON'BLE MR.JUSTICE V. LAKSHMINARAYANAN

Tr.C.M.P.No.1099 of 2023 and
C.M.P.No.26391 of 2023

Divya Manikandan

... Petitioner

Vs

A.R.Manikandan

... Respondent

Prayer : Petition filed under Section 24 of the Code of Civil Procedure praying to withdraw the H.M.O.P.No.1190 of 2023 pending on the file of the Family Court, Madurai and transfer the same to the Family Court, Coimbatore and tried along with M.C.No.177 of 2023 at Coimbatore.

For Petitioner : Mr.S.Chandrasekar

For Respondent : Mrs.D.Kamatchi

ORDER

The present petition seeks to transfer H.M.O.P.No.1190 of 2023 now pending on the file of the Family Court at Madurai to the Family Court at Coimbatore.

2. The petitioner and respondent married each other on 20.01.2008. From the wedlock, they have three children. All the three



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children are studying in Coimbatore.

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3. Mr.S.Chandrasekar for the petitioner informs that a proceeding has been initiated by the husband in G.W.O.P.No.2072 of 2023 before the Family Court at Coimbatore. He has also initiated H.M.O.P.No.1190 of 2023 before the Family Court at Madurai. There is no dispute that the wife is a permanent resident of Coimbatore. The travel distance between Coimbatore and Madurai is about 300 kms. She is taking care of three children and it will be very difficult for her to shuttle between Coimbatore and Madurai.

4. Mrs.D.Kamatchi for the respondent would submit that the wife had been *set exparte* by the Family Court at Madurai.

5. Mr.Chandrasekar would submit that the *exparte* decree has been set aside on 21.02.2024 and the parties were referred to mediation.

6. Therefore, in the light of the difficulties expressed by the wife and since she is taking care of three children, I am inclined to transfer H.M.O.P.No.1190 of 2023 pending on the file of the Family Court,



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Madurai to the file of the Family Court at Coimbatore. The learned Family Judge, Coimbatore, to the extent possible, shall give the same dates for hearing the GWOP and the HMOP. He/she shall not insist upon the presence of the respondent for every hearing. For the non-essential hearings, he may be represented through a lawyer and he shall appear only for hearings where his presence is indispensable.

7. With the above directions, the Tr.C.M.P. is disposed off. No costs. Consequently, connected miscellaneous petition is closed.

15.04.2024

Index : Yes/No

Neutral Citation : Yes/No

Sgl

To

1.The Family Court,
Madurai.

2.The Family Court,
Coimbatore.



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V. LAKSHMINARAYANAN, J.

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