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Tr.CMP.No.1154 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.04.2024

CORAM

THE HONOURABLE MR.JUSTICE V.LAKSHMINARAYANAN

Tr.CMP.No.1154 of 2023

and

C.M.P.No.27780 of 2023

V.Mohanapriya

.. Petitioner

Vs.

P.Arunagiri

.. Respondent

Prayer : The Transfer Civil Miscellaneous Petition is filed under Section 24 of the Code of Civil Procedure, to withdraw the petition in H.M.O.P.No.286 of 2023 on the file of the learned Subordinate Judge at Poonamallee and transfer the same to the file of the Family Court at Coimbatore.

For Petitioner : Mr.B.Sathishkumar

For Respondent : Party-in-Person

ORDER

The petitioner before me is the wife. The husband has moved a petition in H.M.O.P.No.286 of 2023 on the file of the learned Subordinate Judge at Poonamallee for the restitution of conjugal rights.



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2. The petitioner and the respondent were married on 03.02.2017. The petitioner has given birth to two girl children on 03.05.2020 and 08.04.2022 respectively. Alleging that she has left him and has gone to Coimbatore without any reason, the husband/respondent has initiated proceedings for restitution of conjugal rights.

3. The wife pleads that she is unable to travel from Coimbatore to Poonamallee to attend the Court hearings and hence, this transfer petition.

4. The summons were served on the husband and he appears in-person today. He pleads that he does not have sufficient funds to engage a lawyer in Coimbatore and that is because he is earning his income by doing business in pesticides and mosquito nets. So, it will not be possible for him to travel to Coimbatore for every hearing.

5. Taking into consideration the interest of the wife and the two children, I am inclined to allow this transfer petition. Hence, the proceeding in H.M.O.P.No.286 of 2023 pending on the file of the Sub Court at Poonamallee is withdrawn and it shall stand transferred to the file of the



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Family Court at Coimbatore.

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6. It is made clear that the husband need not appear for every hearing. But, he shall appear for the essential hearings. On all other hearings, he may be represented through a counsel.

7. The learned Family Judge is also requested to provide legal aid assistance to the respondent/husband as he is not in a financial position to engage a lawyer in Coimbatore.

8. With the above directions, the Transfer Civil Miscellaneous Petition stands allowed. No costs. The connected Civil Miscellaneous Petition is closed.

30.04.2024

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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 Sub Court,
Poonamallee

2.The Family Court,
Coimbatore

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