



WEB COPY



TR CMP No.1133 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:13.03.2024

CORAM

THE HONOURABLE MR. JUSTICE V.SIVAGNANAM

TR CMP No.1133 of 2023
and C.M.P.No.27259 of 2023

R.Swetha

... Petitioner

Vs.

D.Gowri Shankar

...Respondent

PRAYER: Transfer Civil Miscellaneous Petition filed under Section 24 of Civil Procedure Code, to withdraw the proceedings in H.M.O.P.No.1897 of 2022 on the file of the Principal Family Court, Coimbatore and transfer the same to be tried along with O.P No.29 of 2023 on the file of the Sub-Court, Denkanikottai at Krishnagiri District.

For Petitioner : Mr.P.Ponbalaji

For Respondent : Mr.K.Myilswamy

ORDER

The Transfer Civil Miscellaneous Petition is filed to withdraw the proceedings in H.M.O.P.No.1897 of 2022 from the file of the Principal Family Court, Coimbatore and transfer the same to the file of Sub-Court,



Denkanikottai at Krishnagiri District.

2. The learned counsel for the petitioner submitted that the petitioner is wife and the respondent is husband. The petitioner got married to the respondent on 25.01.2021 and due to misunderstanding they were living separately. The respondent/husband filed H.M.O.P.No.1897 of 2022 seeking for divorce before the Principal Family Court, Coimbatore and the same is pending before the court for further adjudication. Since the petitioner is residing with her parents, at Denkanikottai, she could not travel to Coimbatore for every hearing. Hence, the petitioner has filed the present transfer civil miscellaneous petition.

3. Learned counsel for the respondent submits that the respondent has no objection.

4. Considering the nature of the case and also the submissions and the difficulty expressed by the petitioner is justifiable, this Court is inclined to



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transfer the case, as prayed for in the petition.

5. Accordingly, H.M.O.P.No.1897 of 2022 is hereby directed to be withdrawn from the file of the Principal Family Court, Coimbatore and transferred to the Sub-Court, Denkanikottai, Krishnagiri District. The Principal Family Court judge, Coimbatore is directed to send the entire records to the Sub-Court, Denkanikottai within a period of two weeks from the date of receipt of a copy of this order and on receiving the same, the learned Sub-Court Judge, Denkanikottai is directed to issue notice to both parties and thereafter, dispose of the case on merits, as early as possible.

6. With the above direction, the Transfer Civil Miscellaneous Petition is allowed. No costs. Consequently, connected miscellaneous petition is closed.

13.03.2024

Index: Yes/No
Internet: Yes/No
mrn



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To

1. The Principal Family Court, Coimbatore.

2. The Sub-Court, Denkanikottai, Krishnagiri District.

V.SIVAGNANAM, J.,

mpa

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