



TR CMP No.1226 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:01.03.2024

CORAM

THE HONOURABLE MR. JUSTICE V.SIVAGNANAM

TR CMP No.1226 of 2023

Vennila Gopal

... Petitioner

Vs.

J.Prince Robert

...Respondent

PRAYER: Transfer Civil Miscellaneous Petition filed under Section 24 of Civil Procedure Code, 1908 to withdraw IDOP No.216 of 2023 on the file of the learned Principal District and Sessions Judge at Tiruvallur and transfer the same to the learned Principal District and Sessions Judge at Coimbatore.

For Petitioner : Mr.P.Thinesh

For Respondent : Mr.E.Yobu

ORDER

The Transfer Civil Miscellaneous Petition is filed to withdraw IDOP No.216 of 2023 on the file of the learned Principal District and Sessions Judge at Tiruvallur and transfer the same to the learned Principal District and Sessions Judge at Coimbatore.



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2. The petitioner wife has filed IDOP No.423 of 2023 on the file of the learned Principal District and Sessions Judge at Coimbatore seeking restitution of conjugal rights. The respondent husband has filed IDOP No.216 of 2023 on the file of the learned Principal District and Sessions Judge, Tiruvallur seeking divorce on the ground of cruelty. The petitioner is the permanent resident of Coimbatore and she is unable to travel to Tiruvallur to attend court proceedings. Since the petitioner has filed a petition for restitution of conjugal rights and the respondent husband has filed a petition for divorce, the petition filed by the respondent husband may be transferred to Coimbatore for joint trial. Hence, the petitioner has filed the present transfer civil miscellaneous petition.

3. Learned counsel for the petitioner submits that since the petitioner has filed a petition for restitution of conjugal rights and the respondent husband has filed a petition for divorce, the petition filed by the respondent husband may be transferred to Coimbatore for joint trial.



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4. The learned counsel for the respondent submitted that the respondent husband's mother is severely affected by paralysis and he has to take care of this mother. Therefore, he is not in a position to travel from Tiruvallur to Coimbatore to attend court proceedings. Therefore, seeking to dismiss the petition.

5. On a perusal of the records, it is noticed that the petitioner is the wife and the respondent is the husband. The marriage took place on 11.12.2023 and thereafter due to difference of opinion, they are living separately. The husband filed a petition in IDOP No.216 of 2023 on the file of the learned Principal District and Sessions Judge, Tiruvallur seeking divorce and the petitioner wife also filed a petition in IDOP No.423 of 2023 on the file of the learned Principal District and Sessions Judge at Coimbatore for restitution of conjugal rights. It is not disputed that the petitioner wife is the permanent resident of Coimbatore. The distance between Tiruvallur and Coimbatore is above 400 kms. Therefore, petitioner wife has expressed her difficulty to travel from Coimbatore to Tiruvallur to attend court



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proceedings.

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6. Considering the nature of the dispute and the nature of the case, and considering the fact that the petitioner wife has filed a petition for restitution of conjugal rights pending on the file of Principal District and Sessions Judge at Coimbatore, I am inclined to withdraw IDOP No.216 of 2023, pending on the file of the learned Principal District and Sessions Judge, Tiruvallur and transfer the same to the Principal District and Sessions Judge at Coimbatore, for joint trial along with IDOP No 423 of 2023.

7. In view of the above, IDOP No.216 of 2023, pending on the file of the learned Principal District and Sessions Judge, Tiruvallur is hereby directed to be withdrawn and transferred to the file of the learned Principal District and Sessions Judge at Coimbatore, for joint trial along with IDOP No. 423 of 2023. Learned Principal District and Sessions Judge, Tiruvallur, is directed to send the entire records to the learned Principal District and Sessions Judge at Coimbatore, within a period of two weeks from the date of



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receipt of a copy of this order and on receiving the same, the learned Principal District and Sessions Judge at Coimbatore, is directed to issue notice to both parties and thereafter, dispose of the case on merits as early as possible.

8. With the above direction, the Transfer Civil Miscellaneous Petition is allowed. No costs. Consequently, CMP No.29340 of 2023 is closed.

21.02.2024

Index: Yes/No
Internet: Yes/No
mrn

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- 1.The Principal District and Sessions Judge at Tiruvallur
2. The learned Principal District and Sessions Judge at Coimbatore.



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V.SIVAGNANAM, J.

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