



TR.CMP(MD).No.303 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 06.08.2024

CORAM :

THE HON'BLE MR JUSTICE P. VADAMALAI

TR.CMP(MD).No.303 of 2024 and
CMP(MD).No.6986 of 2024

Dr.A.Movaphia

... Petitioner

Vs.

Dr.S.Yuvaraj

... Respondent

PRAYER:- Petition filed under Section 24 C.P.C., to withdraw and transfer the petition made in OP.No.213 of 2024 on the file of the Family Court, Kanniyakumari at Nagercoil to Family Court, Coimbatore.

For Petitioner : Mr.P.R.Prithiviraj

For Respondent : No appearance

ORDER

This Transfer Civil Miscellaneous Petition is filed seeking to withdraw and transfer the case in O.P.No.213 of 2024 on the file of the Family Court, Kanniyakumari at Nagercoil to the file of Family Court, Coimbatore.



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2. The petitioner herein is the wife and the respondent is the husband. The marriage between the petitioner and the respondent was solemnized on 27.12.2007, as per Christian Rites and Customs. One female child was born through the wedlock. Due to mis-understanding between the petitioner and the respondent, the petitioner left the matrimonial home along with her minor child. Thereafter, the respondent filed O.P.No.213 of 2024 on the file of the Family Court, Kanniyakumari at Nagercoil seeking restitution of conjugal rights. Now, the petitioner is residing with her age old parents at Coimbatore and her daughter is studying 10th Std., The distance between Coimbatore and Kanniyakumari is approximately 400 kilometers and it is very difficult for the petitioner to travel each and every hearing to attend O.P.No.213 of 2024 on the file of the Family Court, Kanniyakumari at Nagercoil. In the above circumstances, she filed the present Transfer Civil Miscellaneous Petition to withdraw and transfer the case in O.P.No.213 of 2024 on the file of the Family Court, Kanniyakumari at Nagercoil to the file of Family Court, Coimbatore.

3. Even though the notice was served upon the respondent, he has not chosen to appear before this Court either in person or through



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counsel. So after hearing the learned Counsel for the petitioner, this order is passed.

4. Being satisfied with the reasons stated in the affidavit filed in support of this petition and also considering the convenience of petitioner / wife, this Court is inclined to allow this petition.

5. Accordingly, the Transfer CMP is allowed and O.P.No.213 of 2024 pending on the file of the Family Court, Kanniyakumari at Nagercoil is hereby withdrawn and transferred to the file of Family Court, Coimbatore, to be heard and disposed of in accordance with law. The learned Judge, Family Court, Kanniyakumari @ Nagercoil is directed to transmit the entire records pertaining to the case in O.P.No. 213 of 2024 to the transferee Court, within two weeks from the date of receipt of a copy of this order. No costs. Consequently, connected Miscellaneous Petition is closed.

06.08.2024

Internet : Yes / No

Index : Yes / No

trp



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To

1. The Family Court, Kanniyakumari at Nagercoil.
2. The Family Court, Coimbatore.



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P. VADAMALAI, J.

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