



Tr.CMP.(MD)No.473 of 2024

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 03.10.2024

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THE HON'BLE MR JUSTICE P. VADAMALAI

Tr.CMP.(MD)No.473 of 2024

and

C.M.P.(MD)No.10972 of 2024

T.Ponthinakaran

.. Petitioner

Vs.

R.Indra

.. Respondent

Prayer : Transfer Civil Miscellaneous Petition is filed under Section 24 of the Code of Civil Procedure, to withdraw the proceeding in H.M.O.P.No.94 of 2024 on the file of the Sub Court, Thirumangalam and transfer the same to the file of the Family Court, Coimbatore.

For Petitioner : Mr.C.M.Mari Chelliah Prabhu

For Respondent : No Appearance



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ORDER

The present Transfer Civil Miscellaneous Petition has been filed to withdraw the proceeding in H.M.O.P.No.94 of 2024 on the file of the Sub Court, Thirumangalam and transfer the same to the file of the Family Court, Coimbatore.

2. The petitioner is the husband and the respondent is the wife. The marriage between the petitioner and the respondent was solemnized on 27.08.2008 at Rasi Marriage Hall, Madurai as per the Hindu Rites and Customs. Out of the wedlock, two female children, named Diya and Khushi, were born on 13.07.2009 and 13.02.2019 respectively.

3. Due to disputes and differences, the parties have separated, and the respondent/wife has initiated the proceeding in H.M.O.P.No.94 of 2024 on the file of the Sub Court, Thirumangalam seeking divorce. Thereafter, the petitioner/husband has initiated the proceeding in H.M.O.P.No.1030 of 2024 on the file of the Family Court, Coimbatore seeking restitution of conjugal rights.



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4. The name of the respondent has been printed in the cause list.

Despite the name has been printed in the cause list, the respondent/wife has neither entered appearance through a counsel nor in-person to oppose this transfer petition.

5. Heard the learned counsel appearing for the petitioner.

6. The learned counsel for the petitioner would submit that the petitioner/husband is residing at Selvapuram, Coimbatore District. The respondent/wife is also residing at Coimbatore District. By suppressing the said fact, she has filed the divorce petition in H.M.O.P.No.94 of 2024 before the Sub Court, Thirumangalam, Madurai District as she is residing at Madurai. The children are also under the custody of the respondent/wife, and are pursuing their studies at CS Academy, Kovai Pudur, Coimbatore. Despite the fact that the respondent/wife is the resident of Coimbatore, she has purposefully filed the petition before the Sub Court, Thirumangalam, Madurai only to make the petitioner/husband suffer.

7. He would further submit that travelling to Madurai for every Court hearing would cause much hardship to the petitioner, since he is also a



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resident of Coimbatore. Hence, he seeks transfer of proceeding from the file of the Sub Court, Thirumangalam to the file of the Family Court, Coimbatore.

8. On perusal of the records, it is evident that the respondent/wife has received the Court notice in the following address :

*“Flat No.178, C2, Rakinda Orchids, Arivoli
Nagar, Kovai Pudur, Coimbatore – 641 042”*

9. Considering the overall facts and circumstances of the case, and also considering the fact that both the petitioner and the respondent are residing at Coimbatore, this Court is inclined to allow this petition.

10. The learned Judge, Sub Court, Thirumangalam is directed to transmit the entire records, pertaining to the case in H.M.O.P.No.94 of 2024 to the file of the Family Court, Coimbatore within a period of three weeks from the date of receipt of a copy of this order, and on receipt of such records, the learned Judge, Family Court, Coimbatore is directed to take the case on file and dispose of the same in accordance with law.



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11. Accordingly, this Transfer Civil Miscellaneous Petition stands allowed. No costs. Consequently, the connected Civil Miscellaneous Petition is closed.

03.10.2024

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Index:Yes/No
Speaking Order :Yes/No
Neutral Citation:Yes/No



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P. VADAMALAI, J.

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To

1.The Sub Court,
Thirumangalam, Madurai District

2.The Family Court,
Coimbatore

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and
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