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Tr.CMP.No.104 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 03.03.2025

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THE HONOURABLE Ms. JUSTICE P.T. ASHA

Tr.CMP.No.104 of 2025

and

CMP.Nos.2141 & 2142 of 2025

A.Kalaivani

... Petitioner

Vs.

G.Vikram

... Respondent

Prayer: Transfer Petition filed under Sec.24 of CPC praying to withdraw the FCOP.No.1161 of 2023 pending on the file of the Hon'ble Family Court, Coimbatore and transfer the same to the Family Court, Theni, where petitioner's FCOP.No.149/2024 is pending

For Petitioner : Mr.S.Vijayanand

For Respondent : Mr.S.Selvakumar



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ORDER

The petitioner-wife has filed the above transfer petition seeking to transfer FCOP.No1161/2023 pending on the file of Family Court, Coimbatore, and transfer the same to Family Court, Theni to be tried along with FCOP.No.149/2014, which is filed by her.

2. The petitioner and the respondent got married on 15.02.2021 and out of the wedlock, the petitioner had begotten a daughter on 01.12.2021. Their matrimonial life ran into rough weather and they got separated on 07.07.2022. Thereafter, the petitioner and her minor child are living under the care of the petitioner's aged parents at Theni. In the meantime, the respondent filed FCOP.No.1161/2023 before the Family Court, Coimbatore, for divorce. Thereafter, the petitioner-wife filed FCOP.No.149/2024 before the Family Court, Theni for restitution of conjugal rights.

3. According to the petitioner-wife, she and her minor child, who is now aged three years old, reside at Theni, along with her aged parents. The



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respondent has not provided any maintenance to either of them to date. She has to travel a distance of 211 kms. from Theni to Coimbatore to attend the proceedings in the Family Court, Coimbatore. Not only she needs to travel this distance, but she also has to make arrangements for her stay along with her minor child at Coimbatore, for which she requires an attender. A stay of minimum three persons at a hotel in Coimbatore incurs certain expenses, which the petitioner is not able to bear, as she does not have any independent income and that she depends on her parents for her livelihood. Therefore, the petitioner has sought for this transfer.

4. Considering the fact that FCOP.No.1161 of 2023 is filed before the Family Court at Coimbatore, for divorce, where the appearance of parties is necessary for every hearing and also taking note of the fact that the petitioner-wife have filed FCOP.No.149/2024 before the Family Court, Theni, for restitution of conjugal rights, this Court is of the opinion that the transfer sought by the petitioner-wife needs to be considered. It is also to be taken note that the respondent had failed to pay maintenance to the petitioner and the minor child. Despite which, the petitioner is made to travel all the way from Theni to Coimbatore to attend the Court hearings,



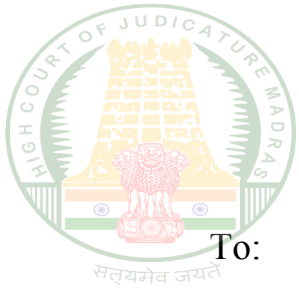
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and for each hearing, the petitioner is made to incur huge expenses.

Therefore, in the interest of justice, the transfer CMP is allowed and FCOP.No1161/2023 pending on the file of Family Court, Coimbatore, is withdrawn and transferred to Family Court, Theni, to be tried along with FCOP.No.149/2024. No costs. Consequently, connected miscellaneous petitions are closed.

03.03.2025

Index : Yes/No
Internet : Yes/No
Neutral Citation : Yes / No
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To:

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- 1.The Judge
Family Court, Coimabatore.
- 2.The Judge
Family Court, Theni
- 3.The Section Officer
VR Section
High Court, Madras.



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P.T. ASHA, J.

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