



Tr.Cmp.Nos.174 & 235 of 2025

WEB COPY IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 02.04.2025

CORAM

THE HON'BLE MS.JUSTICE P.T.ASHA

Tr.C.M.P.Nos.174 & 235 of 2025
C.M.P.No.4526 of 2025

In Tr.C.M.P.No.174 of 2025:-

G.Dhandayuthapani ...Petitioner

Vs.

Padmini @ Pappathi ...Respondent

In Tr.C.M.P.No.235 of 2025:-

Padmini @ Pappathi ...Petitioner

Vs.

Dhandayuthapani ...Respondent

PRAYER in Tr.C.M.P.No.174 of 2025 : Transfer Civil Miscellaneous Petition filed under 24 of Code of Civil Procedure, pleaded to withdraw F.C.O.P.No.335 of 2024 filed by the respondent for restitution of conjugal rights and pending on the file of the Family Court, Namakkal and transfer to the file of the Additional Family Court, Coimbatore.



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PRAYER in Tr.C.M.P.No.235 of 2025 : Transfer Civil Miscellaneous Petition filed under 24 of Code of Civil Procedure, pleaded to withdraw and transfer the H.M.O.P.No.894 of 2024 pending on the file of the Additional Family Court, Coimbatore to the file of the Family Court, Namakkal and may be tried along with F.C.O.P.No.335 of 2024.

In Tr.C.M.P.No.174 of 2025:-

For Petitioner : Mr.N.Gokula Rao
For Respondent : Mr.P.R.Ramesh Babu

In Tr.C.M.P.No.235 of 2025:-

For Petitioner : Mr.R.Ramesh Babu
For Respondent : Mr.N.Gokula Rao

ORDER

The husband who is the respondent in a petition for restitution of conjugal rights filed in F.C.O.P.No.335 of 2024 on the file of the Family Court, Namakkal by the wife has filed Transfer C.M.P.No.174 of 2025 to transfer the same to the file of the Additional family Court, Coimbatore, to be tried along with H.M.O.P.No.894 of 2024 filed for divorce by the husband.

2.Tr.C.M.P.No.235 of 2025 is filed by the wife who is the respondent in



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H.M.O.P.No.894 of 2024 filed by the husband to transfer the same from the file of the Additional Family Court, Coimbatore, to the file of the Family Court, Namakkal, to be tried along with F.C.O.P.No.335 of 2024. For ease of understanding, the parties are referred to as the husband and wife.

3.The petitioner and the respondent had been married on 01.11.2017 and after marriage they were living together at Coimbatore as a joint family along with the respondent's father and mother. The wife would submit that the husband from the beginning had stated that he does not have any love and affection towards her.

4.The wife at the time of her marriage was undergoing her B.Com final year course at Vivekananda College, Namakkal and she had to therefore stay back after the wedding at Namakkal to complete her course. It was her case that she was provided with a huge amount of jewels and cash as demanded by the husband and his parents.

5.Out of the wedlock they were blessed with a daughter on 25.04.2020



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named Vaibhavya. The wife would submit that the husband was keen on sending her out of the matrimonial home and had started picking up quarrels with her. It is also her contention that with this intent in mind the husband has set up a separate residence at Ponniarajapuram for his wife and child. But however did not chose to visit her at all. She was left alone without even the provisions for running the family. Therefore, she had to leave for her paternal home. The husband did not take any steps to take her back. But she was served with a summons in H.M.O.P.No.894 of 2024 from the Additional Family Court, Coimbatore which has been filed by the husband for divorce. The wife would submit that her daughter is studying in the Vth standard at Namakal and she is also residing there. The husband has not provided any maintenance to her and her child. That apart, she would find it very difficult to travel every time to Coimbatore to attend the hearings since the matter is before the Family Court, Coimbatore. The wife has also filed a petition for restitution of conjugal rights on the file of the Family Court, Namakkal, in F.C.O.P.No.335 of 2024 and the application for divorce is a counter blast to the same. She therefore sought to have petition namely H.M.O.P.No.894 of 2024 withdrawn from the file of the Additional Family Court, Coimbatore, and transfer the same to the file of the Family Court, Namakkal, to



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be tried along with F.CO.P.No.335 of 2024.

6.The husband has filed Tr.C.M.P.No.174 of 2025 seeking to have the restitution petition filed by the wife in F.C.O.P.No.335 of 2024 pending on the file of the Family Court, Namakkal, transferred to the file of the Additional Family Court, Coimbatore, to be tried along with H.M.O.P.No.894 of 2024.

7.Heard the learned counsels on either side and perused the records.

8.Admittedly, the husband has not cared to pay maintenance to the wife and child. That apart, she is taking care of her five year old child who is also undergoing schooling and the presence of the mother is very essential. Therefore, considering the inconvenience that is being sought to the wife Tr.C.M.P.No.235 of 2025 is allowed and H.M.O.P.No.894 of 2024 is withdrawn from the file of the Additional Family Court, Coimbatore, and transferred to the file of the Family Court, Namakkal, to be tried along with F.C.O.P.No.335 of 2024. Consequently, Tr.C.M.P.No.174 of 2025 is dismissed. However, it is made clear that the presence of the husband is dispensed with for all hearings except for adducing



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evidence and counselling if any. No costs. Consequently, connected miscellaneous petition is closed.

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Index : Yes/No

Internet : Yes/No

Speaking Order/Non Speaking Order

P.T.ASHA, J.,

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To

- 1.The Family Court, Namakkal.
- 2.The Additional Family Court, Coimbatore.

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