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Tr. C.M.P.No. 882 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 04.02.2025

CORAM

THE HONOURABLE Ms. JUSTICE P.T. ASHA

Tr. C.M.P.No. 882 of 2023

&

C.M.P. No. 21169 of 2023

S. Shanthi

...Petitioner

Vs.

N. Sathish Kumar

...Respondent

Prayer: Transfer Petition is filed under Section 151 of the CPC, to withdraw HMOP.No.592 of 2023, pending on the file of the Principal Family Court, Coimbatore, and to transfer the same to the Family Court, Tiruppur.

For Petitioner : Mr. Deepanuday

For Respondent : No Appearance.



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ORDER

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The wife has filed the above transfer petition seeking transfer of H.M.O.P.No.592 of 2023 pending the file of the Principal Family Court, Coimbatore, to the file of the Family Court, Tiruppur.

2. The respondent though served has not entered appearance.

3. It is the case of the petitioner that HMOP has been filed by the respondent for divorce on the ground of desertion and cruelty. The petitioner would submit that the respondent is an alcoholic and would return home late in the night and harass the petitioner both physically and mentally. Out of the wedlock two children were born to them. On account of cruelty made out to her, the petitioner was constrained to leave the respondent and returned to her parental home.

4. The petitioner was in fact constrained to file a complaint before the All Women Police Station, Ondipudur. She had also initiated proceedings under the Domestic Violence Act on the file of the Judicial



Magistrate IV, Tiruppur and also for maintenance in M.C.No.27 of 2021.

5. The petitioner would submit that she is unemployed and has to take care of her children. The respondent has not given any maintenance to them. While so, after the initiation of the proceedings by the petitioner, the husband has filed HMOP.No.592 of 2023, on the file of the Principal Family Court, Coimbatore, for divorce. The petitioner would submit that since the petition is pending before the Family Court, she has to travel to Coimbatore, to attend the hearings. She would submit that on many occasion she has to take her children along with her. Therefore, the petitioner has come forward with this petition.

6. Heard the learned counsel appearing for the petitioner.



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7. Taking note of the fact that the petitioner had filed DVC and for maintenance before the Courts at Tiruppur, which the respondent should be attending HMOP.NO.592 of 2023, pending on the file of the Principal Family Court, Coimbatore, is withdrawn and transferred to the file of the Family Court, Tiruppur.

8. The petition is allowed. Consequently, the connected miscellaneous petition is closed. No costs.

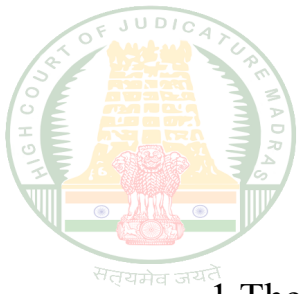
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1.The Principal Family Court,
Coimbatore

2.The Family Court,
Tiruppur.

P.T. ASHA, J.



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