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Tr.C.M.P.No.1372 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.12.2025

PRESENT:

THE HONOURABLE DR.JUSTICE A.D.MARIA CLETE

Tr.C.M.P. No.1372 of 2024

and

C.M.P.No.29726 of 2024

P.Sathyapriya, Female, 32,
W/o.Bharath,
D/o.late Palanisamy,
C-2, Telephone Quarters,
Telephone Exchange,
Nambiyur – Kovai road,
Gobichettipalayam,
Erode District – 638458.

... Petitioner

Vs

C.Bharath, Male, 34,
S/o.Chennakrishan,
No.1/17, Ettiyampatti,
Ponneri,
Harur (T.K.),
Dharmapuri – 636 903.
Now residing at,
32C, N.G.R.Street,
Pappanaickenpalayam,
Coimbatore – 641 037.

...Respondent

PRAYER: : Transfer Civil Miscellaneous Petition filed under Section 24 of the Code of Civil Procedure to withdraw the H.M.O.P.No.1432 of 2024 pending before the Additional Family court, Coimbatore and transfer the same to the Subordinate

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Judge, Gobichettipalayam or any other court of competent jurisdiction by appreciating the above said facts and circumstances of the case and pass any such order as this court may deems fit and thus render justice.

For Petitioner : Mr.J.Ranjithkumar, Advocate.

For respondents : Served – No appearance.

O R D E R

Heard.

2. The petitioner/wife seeks transfer of H.M.O.P.No.1432 of 2024, a petition for restitution of conjugal rights filed by the respondent/husband on the file of the Additional Family Court, Coimbatore, to the file of the Subordinate Court Gobichettipalayam, under Section 24 of the Code of Civil Procedure.

3. The marriage between the parties was solemnised on 04.11.2020 at Erode. A female child, Thikalya, was born on 24.08.2021 and is presently residing with the petitioner at Gobichettipalayam, Erode District. The petitioner has also instituted proceedings under the Protection of Women from Domestic Violence Act, 2005 in DVC No.3 of 2024 on the file of the Judicial Magistrate No.II, Gobichettipalayam, which is pending.

4. The petitioner alleges that from the inception of marriage she has been subjected to verbal, emotional and sexual abuse; that the respondent and his family members displayed hostility on account of the birth of a girl child; and that she and



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the minor daughter were demeaned and neglected because of the child's gender.

She further states that after she went to attend to her ailing grandfather, the respondent refused to take her back and declared that he would divorce her. According to her, the restitutin of conjugal rights petition at Coimbatore is a counter-blast to the violence complaint and an attempt to harass her.

5. It is the specific case of the petitioner that she resides with the minor daughter at Gobichettipalayam; that the child is about to commence primary education there; and that travelling more than 84 kilometres each way to Coimbatore for every hearing would cause her severe financial hardship and physical strain. She is already required to attend the DV proceedings at Gobichettipalayam. She therefore prays that the H.M.O.P. be withdrawn from Coimbatore and transferred.

6. There is no material placed before this Court to show any special inconvenience that will be caused to the respondent if the proceedings are tried at Gobichettipalayam. On the other hand, the petitioner, a woman with a young girl child in her exclusive care, has demonstrated genuine difficulty in attending a distant court. The law is well-settled that in matrimonial matters, when the wife seeks transfer and there is a minor child in her custody, the convenience of the wife ordinarily deserves paramount consideration, unless strong reasons exist to the



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contrary. In the facts of the present case, balancing the convenience of parties, this Court is satisfied that the ends of justice require transfer of the proceedings to Gobichettipalayam.

7. Accordingly, Tr.C.M.P.No.1372 of 2024 is allowed. H.M.O.P.No.1432 of 2024 on the file of the Additional Family Court, Coimbatore, is withdrawn and transferred to the file of the Subordinate Judge, Gobichettipalayam. The learned Additional Family Court, Coimbatore, shall transmit the records within a period of three (3) weeks from the date of receipt of a copy of this order and the Subordinate Judge, Gobichettipalayam shall dispose of the matter in accordance with law, as expeditiously as possible, uninfluenced by any observations made in this order. The interim order already granted by this Court on 03.01.2025 shall stand vacated and C.M.P.No.29726 of 2024 is closed. There shall be no order as to costs.

08.12.2025

Index : Yes/No
NCC : Yes/No
Speaking Order / Non-Speaking Order

To

1.The Additional Family Court,
Coimbatore.

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2.The Subordinate Judge,

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DR. A.D. MARIA CLETE, J

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Dated: 08.12.2025