

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26.02.2015

CORAM

THE HONOURABLE MR.JUSTICE N.KIRUBAKARAN

Tr.C.M.P.NO.517 of 2014

K.Sathiya Priya

...Petitioner

Vs.

D.Kumaresan

...Respondent

Prayer: Transfer Civil Miscellaneous Petition filed under Section 24 of the Civil Procedure Code, to withdraw F.C.O.P.No.2181 of 2014 on the file of the Principal Judge, Family Court, Chennai and transfer the same on the file of the Subordinate Court, Uthamapalayam to conduct trial along with H.M.O.P.No.121 of 2014 on the file of Subordinate Court, Uthamapalayam.

For Petitioner : Mr.P.Deivendra

For Respondent : -

JUDGMENT

The wife is before this Court seeking transfer of F.C.O.P.No.2181 of 2014 from the file of Principal Judge, Family Court, Chennai to be transferred to Sub Court, Uthamapalayam to be tried along with H.M.O.P.No.121 of 2014, filed by the petitioner for Restitution of Conjugal Rights.

2. Though the respondent has been served and his name appearing in the list, the respondent has not entered appearance and therefore, this Court decides to proceed with the matter on merits.

3. The petitioner got married the respondent on 02.03.2006 and out of the said wedlock, a girl child was born. From April,2014

onwards, the petitioner has been left in her parents house and thereafter the respondent filed the petition for divorce in F.C.O.P.No.2181 of 2014 under Section 13(1)(ia) of Hindu Marriage Act,1955 on the ground of cruelty.

4. Since the petitioner is residing in her parents house in Chinnamanoor within the jurisdiction of Sub Court, Uthamapalayam, she filed H.M.O.P.No.121 of 2014 for Restitution of Conjugal Rights. It is submitted that the petitioner is unable to travel Chennai, about 600 kms only away from Uthamapalayam.

5. Taking into consideration, the petitioner already filed restitution of conjugal rights petition before the Sub Court, Uthamapalayam and with a girl child, it is impossible for the petitioner to travel Chennai and attend the Family Court, it is appropriate to transfer the petition in F.C.O.P.No.2181 of 2014 to Sub Court, Uthamapalayam to be tried along with H.M.O.P.No.121 of 2014. Thus, withdrawing F.C.O.P.No.2181 of 2014 pending on the file of the Principal Judge, Family Court, Chennai and transferring the same to the Sub Court, Uthamapalayam to be tried along with H.M.O.P.No.121 of 2014.

6. This petition is ordered accordingly. No costs.

Sd/-
Assistant Registrar(AD-I)

//True Copy//

Sub Assistant Registrar

rrg

To

1. The Principal Judge,
Family Court,
Chennai.

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2. The Sub Judge,
Uthamapalayam.

1 CC to Mr.P.Deivendra, Advocate SR.No. 11128

Tr.C.M.P.NO.517 of 2014

AK (CO)
PSI (24.03.2015)



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