

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.02.2015

CORAM

THE HONOURABLE MR.JUSTICE N.KIRUBAKARAN

Tr.C.M.P.No.553 of 2014
and
M.P.No.1 of 2014

C.Kumareswaran

... Petitioner

Vs.

K.Sathyapriya

... Respondent

Prayer: Transfer Civil Miscellaneous Petition filed under Section 24 of Civil Procedure Code to transfer HMOP No.217 of 2013 pending on the file of the Sub-Court, Pollachi to be tried along with the Divorce petition case H.M.O.P.No.800 of 2014 pending on the file of the Family Court, Coimbatore.

For Petitioners: Mr.S.Makesh

ORDER

The husband is the petitioner herein seeking transfer of H.M.O.P.No.217 of 2013 filed by the respondent/wife for restitution of conjugal rights on the file of Sub Court, Pollachi to the Family Court, Coimbatore, wherein H.M.O.P.No.385 of 2013 filed by the petitioner before the Family Court, Thodupuzha, Kerala, which was transferred by the Honourable Supreme Court by order dated 28.04.2014 in Transfer petition civil No.2062 of 2013, renumbered as H.M.O.P.No.800 of 2014, is pending.

2. Though the respondent was served and her name is appeared in the cause list, the respondent has not chosen to enter appearance either in person or through advocate. Therefore, this Court proceeds to decide the matter on merits.

3. It is evident from the records, the Honourable Supreme Court already transferred the divorce petition filed by the petitioner from Thoudupuzha, Kerala to Family Court, Coimbatore. When another matter between the same parties is pending before the Sub Court, Pollachi, the same is required to be transferred to the Family Court, Coimbatore.

4. Accordingly, this Transfer Civil Miscellaneous Petition is allowed and the H.M.O.P.No.217 of 2013 filed by the respondent/wife pending on the file of the Sub Court, Pollachi is withdrawn and the same is ordered to be transferred to the Family Court, Coimbatore to be tried along with H.M.O.P.No.800 of 2014. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

vsm

To

1.The Sub-Court, Pollachi.

2.The Family Court, Coimbatore.

+ 1 cc to M/s. S. Makesh, ADvocate SR.9016

Tr.C.M.P.No.553 of 2014

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