

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.3.2015

CORAM:

THE HONOURABLE MR. JUSTICE N.KIRUBAKARAN

Tr.C.M.P.Nos.716 and 727 of 2014
and
Tr.C.M.P.No.117 of 2015

Preethi ... Petitioner in Tr.C.M.P.No.716 of 2014
R.Sathiyaseelan ... Petitioner in Tr.C.M.P.No.727 of 2014

1.Ramasamy
2.R.Sathiyaseelan
3.Thavamani ... Petitioners in Tr.C.M.P.No.117 of 2015

Versus

Sathiyaseelan ... Respondent in Tr.C.M.P.No.716 of 2014

P.K.Preethi ... Respondent in Tr.C.M.P.No.727 of 2014

Minor Abinav
rep. by Mother & Natural Guardian P.K.Preethi
D/o.P.Krishnamoorthy. ... Respondent in Tr.C.M.P.No.117/15

Tr.C.M.P.No.716 of 2014

This petition is filed under Section 24 of C.P.C. to withdraw O.P.No.3703 of 2014 pending on the file of the Principal Family Court, Chennai and transfer the same to the Sub Court, Neyveli to be enquired jointly along with H.M.O.P.No.46 of 2014.

Tr.C.M.P.No.727 of 2014

This petition is filed under Section 24 of C.P.C. to withdraw HMOP.No.46 of 2014 pending on the file of the Subordinate Judge, Neyveli and transfer the same to the file of the Principal Family Court, Chennai.

Tr.C.M.P.No.117 of 2015

This petition is filed under Section 24 of C.P.C. to withdraw

the O.S.No.17 of 2015 on the file of the Principal District Judge, Namakkal and transfer the same to the file of the Principal Family Court, Chennai.

For Petitioner : Mr.P.Mani in Tr.CMP.No.716 of 2014
For Respondent : Mrs.Sudha Ramalingam
in Tr.C.M.P.No.716 of 2014
For Petitioner : Mrs.Sudha Ramalingam
in Tr.CMP.No.727 of 2014 &
in Tr.CMP.Nos.117 of 2015

COMMON ORDER

The Tr.C.M.P.No. 727 of 2014 has been filed by the petitioner-husband to transfer H.M.O.P.No.46 of 2014 filed by the respondent-wife seeking restitution of conjugal rights before the Sub Court Neyveli to be tried along with FCOP.No.3703 of 2014 filed by the petitioner-husband pending on the file of Principal Family Court, Chennai.

2. Both the parties are present before this Court and this Court tried to conciliate the dispute. However, it went in vain. Therefore, this court proceeds to decide the matters on merits.

3. Though it is stated that the respondent is having one year child and it cannot be possible for her to come over to Chennai and similarly the petitioner cannot travel from Neyveli to Chennai, this Court instead of transferring the cases either to Chennai or to Neyveli, withdraws both the cases namely, HMOP.No.46 of 2014 pending on the file of the Sub-Court, Neyveli and FCOP.No.3703 of 2014 pending on the file of the Principal Family Court, Chennai and transfers the same to the file of Principal Sub Court, Villupuram for joint trial and disposal. In spite of allowing Tr.C.M.P.Nos.716 and 727 of 2014 filed by the wife and husband, this court disposes the matters by transferring both the matters to the file of Principal Sub- Court, Villupuram. No costs. Consequently the connected M.P.Nos.1 and 1 of 2014 are closed.

4. The Principal Family Court Judge, Chennai and the Subordinate Judge, Neyveli are directed to send the respective case records to the file of Principal Sub-Court, Villupuram immediately on receipt of the copy of this order.

5. Tr.C.M.P.No.117 of 2015 has been filed to transfer O.S.No.17 of 2015 pending on the file of the Principal District Judge, Namakkal. Since the suit is for partition filed by the respondent and the properties are situated within Namakkal

jurisdiction, the same cannot be transferred. Hence, Tr.C.M.P.No.117 of 2015 is dismissed. No costs. Consequently the connected M.P.No.1 of 2015 is also dismissed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

vk

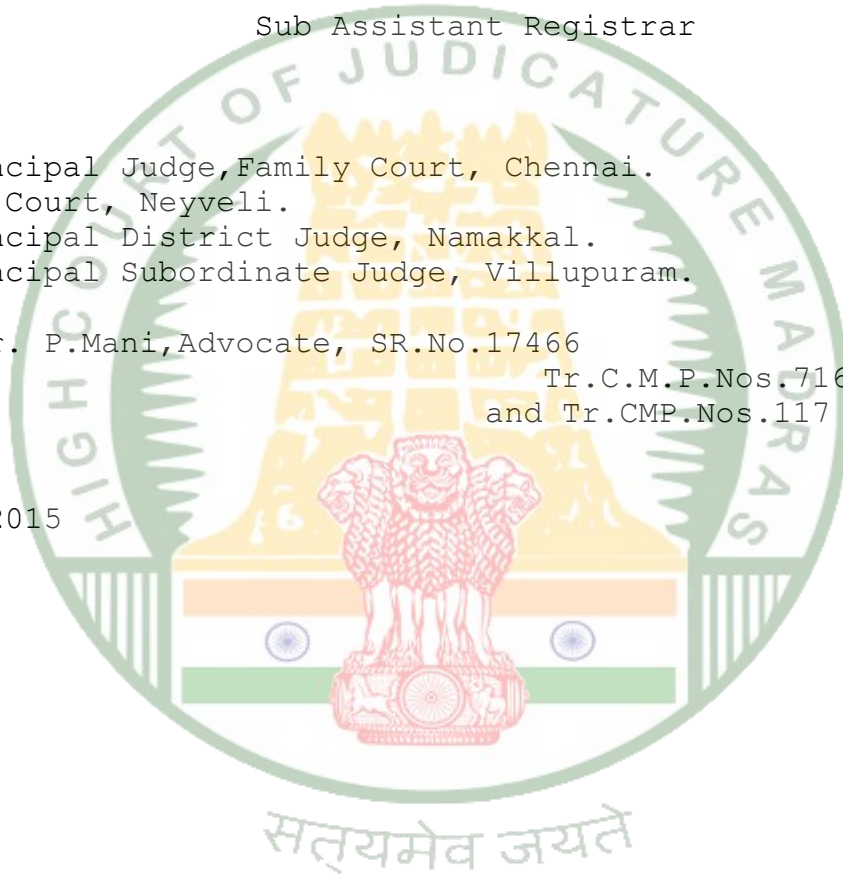
To

- 1.The Principal Judge,Family Court, Chennai.
- 2.The Sub Court, Neyveli.
- 3.The Principal District Judge, Namakkal.
- 4.The Principal Subordinate Judge, Villupuram.

1 cc to Mr. P.Mani,Advocate, SR.No.17466

Tr.C.M.P.Nos.716 and 727 of 2014
and Tr.CMP.Nos.117 of 2015

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