

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.11.2015

CORAM :

THE HONOURABLE MS.JUSTICE R.MALA

Tr.C.M.P.No.195 of 2015
and M.P.No.1 of 2015

L.Bharathi

.. Petitioner

Vs.

Ganga @ Gangatharan

... Respondent

Prayer:- Petition is filed under Section 24 of C.P.C., to withdraw the case in H.M.O.P.No.122 of 2014 pending on the file of the Principal Subordinate Court, Tindivanam and transfer the same to the Additional Family Court, Coimbatore and tried alongwith H.M.O.P.No.1292 of 2014.

For Petitioner : Mr.T.Naveen Chandar

For Respondent : No appearance

O R D E R

The petitioner/wife, who is the respondent in H.M.O.P.No.122 of 2014 on the file of the Principal Subordinate Court, Tindivanam, has come forward with this transfer petition to transfer the same to the file of the Additional Family Court, Coimbatore and tried along with H.M.O.P.No.1292 of 2014.

2.Learned counsel for the petitioner/wife submitted that the respondent/husband filed a petition in H.M.O.P.No.122 of 2014 for restitution of conjugal rights before the Principal Subordinate Court, Tindivanam. But whereas the petitioner/wife filed a petition in H.M.O.P.No.1292 of 2014 for divorce on the file of the Additional Family Court, Coimbatore and she has also filed a petition in M.C.No.25 of 2015 on the file of the Family Court, Coimbatore. He would further submit that in order to avoid conflicting of judgments, the petitioner/wife filed this petition to transfer H.M.O.P.No.122 of 2014 from the file of the Principal Subordinate Court, Tindivanam to the file of the Additional Family Court, Coimbatore.

3.Even though the respondent was served and his name appeared in the cause list, no one represented the respondent.

4.Recording the submission made by the learned counsel for the petitioner, I am inclined to order transfer. Accordingly, the petition in H.M.O.P.No.122 of 2014 is ordered to be withdrawn from the file of the Principal Subordinate Court, Tindivanam and transferred to the file of the Additional Family Court, Coimbatore where the petition filed by the petitioner/wife in H.M.O.P.No.1292 of 2014 is pending, for disposal in accordance with law. The Presiding Officer, Principal Subordinate Court, Tindivanam, is directed to transmit all the records pertaining to H.M.O.P.No.122 of 2014 to the file of the Additional Family Court, Coimbatore within a period of fifteen days from the date of receipt of a copy of this order.

5.Accordingly, this Transfer Civil Miscellaneous Petition is ordered. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

cse

To

- 1.The Presiding Officer,
Principal Subordinate Judge, Tindivanam.
- 2.The Additional Judge, Family Court, Coimbatore.

+1cc to M/s. T. Naveen Chandar, Advocate, S.R.No.61712
+1cc to M/s. Sudharshana Sunder, Advocate, S.R.No.60148

MP(CO)
EU(30/11/2015)

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