

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.01.2016

CORAM :

THE HONOURABLE MS. JUSTICE R.MALA

Tr.C.M.P. Nos.769 and 770 of 2014
M.P.Nos.1 & 1 of 2014

R.Vanitha ... Petitioner in both Tr.C.M.Ps.

Vs.

S.K.Vijayakumar ... Respondent in both Tr.C.M.Ps.

Petitions filed under Section 24 of C.P.C., to withdraw and transfer H.M.O.P.No.70 of 2012 on the file of the Sub Court, Srivilliputhur and H.M.O.P.No.158 of 2012 on the file of the Principal District Court, Mayiladuthurai, respectively, to the file of the Family Court, Chennai, to be heard together.

For Petitioner in both Tr.C.M.Ps.: Mr.G.Ethirajulu

For Respondent in both Tr.C.M.Ps.: Mr.K.Mariappan

C O M M O N O R D E R

As the issue and facts involved in both the Tr.C.M.Ps. are one and the same, the above Petitions are taken up for disposal by a common order.

2. The petitioner/wife has come up with the above Tr.C.M.Ps. seeking to withdraw and transfer H.M.O.P.No.70 of 2012 on the file of the Sub Court, Srivilliputhur and H.M.O.P.No.158 of 2012 on the file of the Principal District Court, Mayiladuthurai, respectively, to the file of the Family Court, Chennai.

3. The petitioner/wife has stated that the respondent, who is her husband has filed H.M.O.P.No.70 of 2012 on the file of the Subordinate Judge, Srivilliputhur for divorce. According to the petitioner, she never intended to live separately from her husband, but after receipt of the notice in the said divorce petition, she filed H.M.O.P.No.158 of 2012 on the file of the Principal District Judge, Mayiladuthurai for restitution of conjugal rights. According to the petitioner, she is residing and working in Chennai and that she is unable to take her small child, aged three years for every hearing at Srivilliputhur. Hence, she has sought transfer of the above said H.M.O.Ps. to the file of the Family Court, Chennai.

4. Learned counsel appearing for the respondent submitted that he has no objection to transfer the petitions as sought for by the petitioner.

5. Recording the said submission of the learned counsel for the respondent, the petition in H.M.O.P.No.70 of 2012 filed by the respondent/husband on the file of the Sub Court, Srivilliputhur as also as the petition in H.M.O.P.No.158 of 2012 filed by the petitioner/wife on the file of the Principal Sub Judge, Mayiladuthurai are ordered to be withdrawn and transferred to the file of the III Additional Family Court, Chennai for joint trial.

6. The Subordinate Judge, Srivilliputhur and Principal Subordinate Judge, Mayiladuthurai are directed to transmit all the records pertaining to H.M.O.P.No.70 of 2012 and H.M.O.P.No.158 of 2012, respectively, to the file of the III Additional Family Court, Chennai, within a period of two weeks from the date of receipt of a copy of this order. The III Additional Family Court, Chennai, is directed to dispose of both the petitions jointly within a period of six months from the date of receipt of material papers, after following necessary procedure and giving opportunity of hearing to both parties.

7. Accordingly, these Transfer Civil Miscellaneous Petitions are ordered. No costs. Consequently, connected Miscellaneous Petitions are closed.

Sd/-
Assistant Registrar(V)

//True Copy//

Sub Assistant Registrar

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To:

1. The Subordinate Judge,
Srivilliputhur.
2. The Principal District Judge,
Mayiladuthurai.
3. The III Additional Family Court,
Chennai.

+ 1 cc to Mr.G. Ethirajulu, Advocate SR.2475

Tr.C.M.P. Nos.769 and 770 of 2014

SVI (CO)

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