

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:15.06.2016

CORAM

THE HONOURABLE MR.JUSTICE C.T.SELVAM

Transfer Civil Miscellaneous Petition No.180 of 2015
and
M.P.No.1 of 2015

M.Ilakaya
D/o.Mr.Madhu

... Petitioner

Vs.

P.Ezhilarasu

.... Respondent

Transfer Civil Miscellaneous Petition filed under Section 24 of the Civil Procedure Code, praying to withdraw the case in H.M.O.P.No.1365 of 2014 on the file of learned Family Court, Coimbatore, and transfer the same to be tried along with H.M.O.P.No.16 of 2015 on the file of learned Family Court Judge, Dharmapuri.

For Petitioner : Mr.M.Jayachandran,

For Respondent : Mr.Ma.P.Thangavel

O R D E R

Petitioner has filed the present petition seeking transfer of H.M.O.P.No.1365 of 2015 on the file of learned Family Court Judge, Coimbatore, and transfer the same to be tried along with H.M.O.P.No.16 of 2015 on the file of learned Family Court Judge, Dharmapuri.

2. H.M.O.P.No.1365 of 2015 on the file of learned Family Court Judge, Coimbatore, has been preferred by the respondent/husband seeking divorce. The petitioner/wife has moved H.M.O.P.No.16 of 2015 before the learned Family Court Judge, Dharmapuri seeking restitution of conjugal rights. Petitioner/wife seeks transfer of divorce proceedings also to be tried along with H.M.O.P.No.16 of 2015.

3. Heard learned counsel for petitioner and learned counsel for respondent.

4. Learned counsel for respondent has no objection to transfer but impresses upon this Court that while the husband is a lecturer, wife is a teacher and as both are employed, it would be appropriate to transfer both actions to ***Sub Court**, Dharmapuri.

5. Considering the submissions, made on either side, this court directs transfer of H.M.O.P.No.1365 of 2015 pending on the file of learned Family Court Judge, Coimbatore to be transferred to ***Sub Court**, Dharmapuri, so as to be tried along with H.M.O.P.No.16 of 2015 jointly. The transferee Court shall dispose of the petition as expeditiously as possible in any event not later than three months from the date of receipt of a copy of this order.

6. The Transfer Civil Miscellaneous Petition, accordingly, is ordered. No costs. Consequently, connected miscellaneous petition is closed.
kpr

Sd/-
Assistant Registrar

***Corrected as per
Being Mentioned order
of this Court dated 12.07.2016
in TR CMP.NO.180/2015
-s/d-
Assistant Registrar(CSVI)
dt:13/07/2016
//True Copy//**

Sub Assistant Registrar

To

- 1.The Judge, (To be Substituted to the order
Family Court, Coimbatore. (already despatched on 11/07/2016)
- 2.The Judge,
***Sub Court**, Dharmapuri.

+ 1 cc to Mr.M.Jayachandran, Advocate ***Sr38917**

+ 1 cc to M/s.Ma.P.Thangavel, Advocate ***Sr38826**

KR/5/7/16
aa13/07/2016

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