

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.08.2016

CORAM

THE HONOURABLE MR.JUSTICE C.T.SELVAM

Transfer Civil Miscellaneous Petition No.858 of 2015

and
M.P.No.1 of 2015

Mrs.Raajeswari Kothaiyah,
W/o.P.V.Kothaiyah ... Petitioner/Respondent

vs

Mr.P.V.Kothaiyah,
S/o.M.Ponnusamy ... Respondent/Petitioner

Transfer Civil Miscellaneous Petition filed under Section 24 of the Civil Procedure Code, 1906, praying to withdraw H.M.O.P.No.400 of 2015 on the file of Family Court, Tiruchirappalli and transfer the same to the file of Family Court at Chennai, to be tried along with H.M.O.P.No.4238 of 2015, on the file of III Additional Family Court, Chennai.

For Petitioner : Mr.V.Umashankari
For Respondent : No appearance

O R D E R

Even though the respondent has been served and the name of the respondent appears in the cause list, the respondent has not chosen to appear before this Court either in person or through a pleader. Hence, the matter is decided on merits.

2. Petitioner has filed the present petition seeking transfer of H.M.O.P.No.400 of 2015 on the file of Family Court, Tiruchirappalli, to the file of Family Court, Chennai, to be jointly tried with H.M.O.P.No.4238 of 2015.

3. Learned counsel for petitioner/wife submits that the respondent/husband has filed H.M.O.P.No.400 of 2015 on the file of Family Court, Tiruchirappalli, seeking divorce. Petitioner/wife has filed H.M.O.P.No.4238 of 2015 on the file of III Additional Family Court, Chennai, seeking restitution of conjugal rights. Petitioner is residing at Chennai with her son and hence, she finds it difficult to travel to Tiruchirappalli to attend the hearing. Further, since both parties have filed

petitions it would be desirable to have both the matters together.

4. Considering the submissions made, this Court directs transfer of H.M.O.P.No.400 of 2015 on the file of Family Court, Tiruchirappalli, to the file of Family Court, Chennai, to be jointly tried with H.M.O.P.No.4238 of 2015.

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

s/d-

Assistant Registrar (CS-V)

True Copy

Sub-Assistant Registrar

To

1.The Judge,
Family Court, Chennai.

2.The Judge,
Family Court,
Tiruchirappalli.

+2 cc's to Mr.V.Umashankar, advocate, sr.45502.

vgi(co)
krd 19/8

Transfer Civil Miscellaneous Petition No.858 of 2015

सत्यमेव जयते

WEB COPY