

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14.06.2016

CORAM

THE HONOURABLE MR.JUSTICE C.T.SELVAM

Transfer Civil Miscellaneous Petition No.213 of 2016

and

C.M.P.No.6070 of 2016

K.Thilagavathi
W/o.D.Sivakumar ... Petitioner/Respondent

vs

D.Sivakumar
S/o.N.Duraisamy Respondent/Petitioner

Transfer Civil Miscellaneous Petition filed under Section 24 of the Civil Procedure Code, 1906, praying to withdraw H.M.O.P.No.8 of 2016 pending on the file of Sub Court, Thirupathur, Vellore District, and transfer the same to the file of II Additional Family Court, Chennai, to be heard and tried along with H.M.O.P.No.2982 of 2014.

For Petitioner : Mr.M.Jaikumar

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.8 of 2016 on the file of Sub Court, Thirupathur, Vellore District, to the file of II Additional Family Court, Chennai, to be tried along with H.M.O.P.No.2982 of 2014.

3. Learned counsel for petitioner submits that the respondent/husband has filed H.M.O.P.No.8 of 2016 on the file of Sub Court, Thirupathur, Vellore District, seeking divorce and the petitioner/wife has filed H.M.O.P.No.2982 of 2014 on the file of II Additional Family Court, Chennai, for restitution of conjugal rights. The petitioner seeks transfer firstly on the

ground that she finds it difficult to travel to Vellore for each and every hearing and secondly, since the petition filed by the petitioner seeking restitution of conjugal rights is pending on the file of II Additional Family Court, Chennai, it would be desirable to have both cases tried together.

4. Considering the submissions made, this Court directs transfer of H.M.O.P.No.8 of 2016 on the file of Sub Court, Thirupathur, Vellore District, to the file of II Additional Family Court, Chennai, to be tried along with H.M.O.P.No.2982 of 2014.

The Transfer Civil Miscellaneous Petition is disposed of with the above direction. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

To

1.The Sub Court,
Thirupathur,
Vellore District.

2.The II Additional Family Court,
Chennai.

+1cc to Mr.M.Jaikumar, Advocate Sr.32513

Transfer Civil Miscellaneous Petition No.213 of 2016

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srg 30/06/2016

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