

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.226 of 2016
and
C.M.P.No.6412 of 2016

N.Abraham Sunil Kumar
S/o.A.Nithiya Kumar

... Petitioner

Vs

Sharmila @ Rosi
D/o.Swaminathan

... Respondent

Transfer Civil Miscellaneous Petition filed under Section 24 of the Civil Procedure Code, 1906, praying to withdraw I.D.O.P.No.8 of 2016 on the file of learned Principal District Judge, Vellore, Vellore District and transfer the same to the file of learned Judge, Family Court, Vellore, Vellore District.

For Petitioner : Mr.E.Kannadasan

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 I.D.O.P.No.8 of 2016 on the file of learned Principal District Judge, Vellore, Vellore District to the file of learned Judge, Family Court, Vellore, Vellore District.

3. Learned counsel for petitioner submits that the petitioner/husband has filed F.C.O.P.No.42 of 2016 on the file of Family Court, Vellore, Vellore District, seeking divorce and

the respondent/wife has filed I.D.O.P.No.8 of 2016 on the file of learned Principal District Judge, Vellore, Vellore District, for restitution of conjugal rights. Learned counsel submits that both the petitioner and respondent have filed petitions and hence, it would be desirable to have both the matters tried together.

4. Considering the submissions made, this Court directs transfer of I.D.O.P.No.8 of 2016 on the file of learned Principal District Judge, Vellore, Vellore District to the file of learned Judge, Family Court, Vellore, Vellore District, to be tried along with F.C.O.P.No.42 of 2016.

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

Sd/-
Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

gm

To

1. The Principal District Judge,
Vellore,
Vellore District.
2. The Judge,
Family Court,
Vellore,
Vellore District.

+1cc to Mr.E.Kannadasan, Advocate, S.R.No.32114

Transfer Civil Miscellaneous Petition
No.226 of 2016

LRS (CO)
CA(28/06/2016)