

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.06.2016

CORAM

THE HONOURABLE MR.JUSTICE C.T.SELVAM

Transfer Civil Miscellaneous Petition No.325 of 2016
and
C.M.P.No.8972 of 2016

M.Rekha
D/o.T.Murugesan

... Petitioner

vs

R.Siva Shankar
S/o.A.Ramachandran

... Respondent

Transfer Civil Miscellaneous Petition filed under Section 24 of the Civil Procedure Code, 1906, praying to withdraw in H.M.O.P.No.1703 of 2016 on the file of the III Additional Family Court, Chennai, and transfer the same to the file of Principal Subordinate Court, Tiruvannamalai, to be tried along with H.M.O.P.No.76 of 2014.

For Petitioner : Mr.S.Silambu Selvan

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.1703 of 2016 on the file of III Additional Family Court, Chennai, to the file of Principal Subordinate Court, Tiruvannamalai, to be tried along with H.M.O.P.No.76 of 2014.

3. Learned counsel for petitioner submits that the petitioner/wife has filed H.M.O.P.No.76 of 2014 on the file of learned Principal Sub Judge, Thiruvannamalai District, seeking divorce and the respondent/husband has filed H.M.O.P.No.1703 of 2016 on the file of III Additional Family Court, Chennai, seeking restitution of conjugal rights. Learned counsel submits that the petitioner is living with her parents, she has to take care of her aged parents and hence, she finds it difficult to

travel to Chennai to attend the hearing of the case filed by the respondent/husband. Since both the parties have filed petitions, it would be desirable to have both the matters together. Submitting as above, learned counsel prays for transfer.

4. Considering the submissions made, this Court directs transfer of H.M.O.P.No.1703 of 2016 on the file of III Additional Family Court, Chennai, to the file of Principal Subordinate Court, Tiruvannamalai, to be tried along with H.M.O.P.No.76 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 III Additional Family Judge,
Chennai.
- 2.The Principal Subordinate Judge,
Tiruvannamalai.

+1cc to Mr.S.Silambu Selvan, Advocate Sr.35893

सत्यमेव जयते
Transfer Civil Miscellaneous Petition No.325 of 2016

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srg 23/07/2016

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