

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.401 of 2016
and
C.M.P.No.10655 of 2016

Mrs.Anitha,
W/o.Senthil Kumar. ... Petitioner

vs

Mr.R.Senthil Kumar,
S/o.Ramamurthy ... Respondent

Transfer Civil Miscellaneous Petition filed under Section 24 of the Civil Procedure Code, 1906, praying to withdraw F.C.O.P.No.116 of 2014 on the file of Principal Sub Court, Vellore and transfer the same to the file of Subordinate Court, Mettur, to be tried along with M.C.No.14 of 2011.

For Petitioner : Mr.V.Muthamil 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 F.C.O.P.No.116 of 2014 on the file of Principal Sub Court, Vellore, to the file of Principal Subordinate Court, Mettur, to be jointly tried with M.C.No.14 of 2011.

3. Learned counsel for petitioner/wife submits that the respondent/husband has filed F.C.O.P.No.116 of 2014 on the file of Principal Sub Court, Vellore, seeking divorce. Petitioner/wife has filed M.C.No.14 of 2011 on the file of Principal Subordinate Court, Mettur, seeking restitution of conjugal rights. Petitioner is residing at Mettur with her minor child and hence, she finds it difficult to travel to Vellore 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 F.C.O.P.No.116 of 2014 on the file of Principal Sub Court, Vellore, to the file of Principal Subordinate Court, Mettur, to be jointly tried with W.C.No.14 of 2011.

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

Sd/-
Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

gm

To

1.The Principal Sub Judge,
Vellore.

2.The Subordinate Judge,
Mettur.

+ 1 cc to MR.V. Muthamil Selvan, Advocate Sr.45681

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