

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 15.04.2016

CORAM

THE HONOURABLE Mr. JUSTICE P.R.SHIVAKUMAR

Tr.C.M.P.No.91 of 2016

and C.M.P.No.2041 of 2016

K.Divya ... Petitioner

Vs

R.Sathish Kumar Respondent

Transfer Civil Miscellaneous Petition filed under Section 24 of C.P.C. to withdraw H.M.O.P.No.455 of 2015 from the file of the Subordinate Court, Tiruppur and transfer the same to the file of Subordinate Court, Coimbatore (Camp Court, Mettupalayam) or any other Competent Court having jurisdiction.

For Petitioner : Mr.L.Santhosh Kumar

For Respondent : Mr.P.Tamilavel

O R D E R

The wife is the petitioner and the husband is the respondent. Husband filed H.M.O.P.No.455 of 2015 on the file of Sub-Court, Thiruppur for restitution of conjugal rights and wife filed H.M.O.P.No.154 of 2015 for divorce on the file of the Subordinate Judge, Coimbatore (Camp at Mettupalayam) for divorce. Now, the wife has come forward with the present petition seeking transfer of the husband's H.M.O.P to the file of Subordinate Judge, Coimbatore (Camp at Mettupalayam) for being tried along with her H.M.O.P.No.154 of 2015.

2. Heard Mr.L.Santhosh Kumar, learned counsel for the petitioner and Mr.P.Tamilavel, learned counsel for the respondent.

3. The respondent has filed a counter contending that the present petition has been filed only to harass the

respondent/husband. Learned counsel for the respondent submits that the Court to which the transfer has been sought for being a camp Court, there is no assurance that the camps will be held on the appointed dates and on several occasions, camps came to be cancelled and that hence, the respondent strongly opposes the petition for transfer.

4. On the other hand, learned counsel for the petitioner submits that the petitioner is ready to have both the cases transferred to Coimbatore. Learned counsel for the respondent also submits that the respondent is also prepared to have both the cases transferred to the Family Court, Coimbatore. Endorsements to the said effect have been made.

5. The Endorsement are recorded. H.M.O.P.No.154 of 2015 pending on the file of Subordinate Court, Coimbatore (Camp Court, Mettupalayam) and H.M.O.P.No.455 of 2015 pending on the file of Subordinate Court, Thiruppur are withdrawn and they are transferred to the file of Family Court, Coimbatore for being tried together. Transfer Civil Miscellaneous Petition is accordingly disposed of . No costs. Consequently, the connected miscellaneous petition is closed.

-s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

gpa

To

1. The Subordinate Court
Tiruppur
2. The Subordinate Court
Coimbatore (Camp Court, Mettupalayam)
3. The Family Court, Coimbatore
+1 cc to M/s.L.Santhosh Kumar Advocate sr.23614
- + 1 cc to Mr.P.Tamilavel, Advocate Sr 23551 (13/6/16)

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