



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:19.08.2016

CORAM:

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THE HONOURABLE MR.JUSTICE K.KALYANASUNDARAM

Tr.C.M.P (MD) .Nos.305 and 304 of 2016

and

C.M.P (MD) Nos.5603 and 5598 of 2016

Srinivasan

.. Petitioner in two petitions

Vs.

1.Meenakshi @ Meena

2.Minor Sabarish

.. Respondents in two petitions

Rep.by his mother and
natural guardian the
1st respondent

Prayer in Tr.C.M.P (MD) .Nos.305 of 2016: Transfer Civil Miscellaneous Petition is filed under Section 24 of Civil Procedure Code to withdraw and Transfer H.M.O.P.No.15 of 2016 on the file of the Principal Subordinate Judge, Thanjavur, Thanjavur District to be tried along with H.M.O.P.No.743 of 2014 on the file of the Family Court, Tiruchirappalli, Tiruchirappalli District.

Prayer in Tr.C.M.P (MD) .No.304 of 2016: Transfer Civil Miscellaneous Petition is filed under Section 24 of Civil Procedure Code to withdraw and Transfer O.S.No.21 of 2016 on the file of the Principal District Judge, Thanjavur, Thanjavur District to be tried in the Court of the learned Judge, Family Court, Tiruchirappalli, Tiruchirappalli District.

For Petitioner : Mr.A.Thiruvadi Kumar
in both petitions

For Respondent : No appearance

COMMON ORDER

These petitions are filed to withdraw and transfer the case in O.S.No.21 of 2016 on the file of the learned Principal District Judge, Thanjavur, to the file of the Family Court, Tiruchirappalli and H.M.O.P.No.15 of 2016, from the file of the Principal Sub Court, Thanjavur, Thanjavur District, to the file of the Family Court, Tiruchirappalli, Tiruchirappalli District to be tried along with H.M.O.P.No.743 of 2014.



2. Heard Mr.A.Thiruvadikumar, learned counsel appearing for the petitioner and perused the records.

3. Despite service of notice, the respondent has not chosen to appear either in person or through his counsel to contest the case.

4. In these two petitions the petitioner is the husband of the respondent. The case of the petitioner is that the marriage between the petitioner and the respondent was solemnised on 03.02.2002 at Sri, Balaji Kalyana Mandapam, Ayyampettai, Thanjavur District, as per the Hindu rites and customs. During the lawful wedlock, they are blessed with one male child namely, Sabarish @ Tharun. The respondent/wife was picking up quarrel with him often and refused to return back from her parents home. So, the petitioner originally filed H.M.O.P.No.117 of 2003 for restitution of conjugal rights, which was dismissed for default and thereafter he filed H.M.O.P.No.156 of 2008, before the Principal Sub Court, Trichy, for divorce. After constitution of the Family Court, the case was transferred and renumbered as H.M.O.P.No.743 of 2014. After commencement of the trial, the respondent filed Tr.C.M.P.No.475 of 2013 for transfer of the case from the Principal Sub Court, Trichy to the Sub Court, Thanjavur and the petition came to be dismissed on merits on 10.02.2016 with a direction to dispose of the case on or before 30.06.2016.

5. The petitioner would further state that after disposal of the transfer petition, he received a notice from the Principal Sub Court, Thanjavur in H.M.O.P.No.15 of 2016 filed by the respondent/wife for restitution of conjugal rights.

6. Learned counsel for the petitioner would submit that the petitioner is working as an Assistant Training Officer in Government I.T.I., in Perambalur District and he is staying with his brother in an ancestral property at Trichy. It is further submitted that issues involved in both the cases are same and interlinked and therefore to avoid conflicting judgments, both the cases may be tried by the same Judge.

7. Considering the above submission, the Transfer Civil Miscellaneous Petitions are allowed. The learned Principal Sub Judge, Thanjavur, Thanjavur District is directed to transfer the records in H.M.O.P.No.15 of 2016 to the file of the learned Judge, Family Court, Tiruchirappalli, Tiruchirappalli District. The learned Principal District Judge, Thanjavur is directed to transfer the records in O.S.No.21 of 2016 to the file of the learned Judge, Family Court, Tiruchirappalli. The said exercise will be done within a period of two weeks from the date of receipt of this order, and after obtaining the records on transfer, the transferee Judge is directed to try all the cases jointly and dispose of the same, as expeditiously as possible.



Consequently, connected miscellaneous petitions are closed. No Costs.

Sd/-
Assistant Registrar (W)

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/True Copy/

Sub Assistant Registrar

PJL

To

- 1.The Principal District Judge,
Thanjavur, Thanjavur District.
- 2.The Principal Subordinate Judge,
Thanjavur, Thanjavur District.
- 3.The Judge, Family Court,
Tiruchirappalli, Tiruchirappalli District.

GJM/PV/23.9.16-3p-4c

Tr.C.M.P (MD) No.305 and 304 of 2016
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