

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.06.2017

CORAM :

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

Tr.C.M.P. No.209 of 2017

and

C.M.P.No.3877 of 2017

Senthil Kumar

... Petitioner

Vs.

Amul Priya

... Respondent

Prayer:- Petition has been filed under Section 24 of C.P.C., to withdraw H.M.O.P.No.204 of 2016 from the file of the Sub Court, Ponneri and transfer to the file of the Family Court, Tiruvallur and to be tried along with HMOP.No.107 of 2016.

For Petitioner : Mr.P.V.Rajeswari

For Respondent : Mr.A.M.Rahamath Ali

O R D E R

This petition is filed to withdraw H.M.O.P.No.204 of 2016 from the file of the Sub Court, Ponneri and transfer to the file of the Family Court, Tiruvallur.

2. The petitioner is the husband and respondent is the wife. The marriage between the petitioner and respondent was conducted on 12.12.2010 as per Hindu rites and customs. In the wedlock, two female children were born to them. Due to difference of opinion, both the petitioner and respondent are living separately. The petitioner filed H.M.O.P.No.107 of 2016 for divorce on the file of the Family Court, Tiruvallur. The respondent filed HMOP.No.204 of 2016 on the file of Family Court (IV Additional District Court) Ponneri for restitution of conjugal rights.

3. When the matter is taken up for hearing, the learned counsel for the petitioner submitted that the petitioner is willing to pay the travelling expenses to the respondent, to be incurred by her for the hearing before Family Court, Tiruvallur.

4. The learned counsel for the respondent submitted that the respondent/wife has no objection if Rs.500/- is paid by the petitioner towards travelling expenses to the respondent for each and every hearing before Family Court, Tiruvallur. Both the learned counsels made an endorsement to that effect.

It is made clear that the respondent is entitled to receive Rs.500/- towards travelling expenses, subject to her appearance before the Family Court, Tiruvallur, for every hearing. It is made clear that if the petitioner fails to pay Rs.500/- to the respondent even for one hearing, the HMOP.No.204 of 2016 filed by him will be re-transferred to Sub-Court, Ponneri.

5. Recording the endorsement made by both the learned counsel for the petitioner and the respondent, without deciding the issue on merits, the petition in H.M.O.P.No.204 of 2016 is ordered to be withdrawn from the file of the Sub-Court, Ponneri and transferred to the file of the Family Court, Tiruvallur and to be tried along with HMOP.No.107 of 2016. The Presiding Officer, Sub-Court, Ponneri, is directed to transmit all the records pertaining to H.M.O.P.No. 204 of 2016 to the file of the Family Court, Tiruvallur, within a period of two weeks from the date of receipt of a copy of this order. The Presiding Officer, Family Court, Tiruvallur is directed to dispose of H.M.O.P.No. 204 of 2016 as expeditiously as possible, in any event, not later than, six months from the date of receipt of copy of this order.

6. Accordingly, this Transfer Civil Miscellaneous petition is ordered. No costs. Consequently, connected Miscellaneous Petition is closed.

-s/d-

Assistant Registrar(CS-VIII)

True Copy

Sub-Assistant Registrar

To

1. The Presiding Officer
The Sub-Court,
Ponneri.

2. The Presiding Officer
The Family Court,
Tiruvallur.

+1 CC to Mr.P.V.Rajeswari, Advocate sr 46300
+1 CC to Mr.A.M.Rahamath Ali, Advocate sr 45669

Tr.C.M.P. No.209 of 2017
and
C.M.P.No.3877 of 2017

VD(CO)
sp(20/07/2017)