

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.240 of 2017
and
CMP.No.4329 of 2017

Sivasakthi Petitioner/Petitioner
Vs.

M.Manoharan Respondent/Defendant

PRAYER:- Petition has been filed under Section 24 of C.P.C., to withdraw and transfer the H.M.O.P.No.598 of 2015 from the file of the Family Court, Coimbatore and transfer to the file of the District Court, Coimbatore and consequently direct the District Court, Coimbatore to try the cases in O.S.No.588/2015 and HMOP.No.598 of 2015 jointly.

For Petitioner : Mr.K.Sathish
for Ms.Kaavya

For Respondent : Mr.A.Thiyagarajan

ORDER

This petition is filed to withdraw H.M.O.P.No.598 of 2015 from the file of the Family Court, Coimbatore and transfer to the file of the District Court, Coimbatore to try the cases in O.S.No.588/2015 and HMOP.No.598 of 2015 jointly.

2. The petitioner is the second wife and respondent is the husband. The marriage between the petitioner and respondent was conducted on 25.03.1993 as per Hindu rites and customs. In the wedlock, female child was born to them. Due to difference of opinion between them, both the petitioner and the respondent are living separately. The respondent filed H.M.O.P.No.598 of 2015 for divorce before the Family Court, Coimbatore.

3. According to the petitioner, the suit in O.S.No.588 of 2015 filed by her and O.S.No.589 of 2015 filed by her daughter are pending before the District Court, Coimbatore. Further, the petitioner has no independent income and is depending on her parents for her day-to-day expenses including travelling

expenses. Therefore, she prays for transfer of H.M.O.P.No. 598 of 2015 from the file of the Family Court, Coimbatore to the file of the District Court, Coimbatore.

4. Heard the learned counsel for the petitioner.

5. Mr.Dinesh Kumar, learned representing counsel for the learned counsel for the respondent submitted that the respondent has no objection to transfer the case as sought for by the petitioner and he has also made an endorsement to that effect.

6. Recording the no objection given by the learned counsel for the respondent, without deciding the issue on merits, the petition in H.M.O.P.No.598 of 2015 is ordered to be withdrawn from the file of the Family Court, Coimbatore and transferred to the file of the District Court, Coimbatore. The Presiding Officer, Family Court, Coimbatore, is directed to transmit all the records pertaining to H.M.O.P.No.598 of 2015 to the file of the District Court, Coimbatore, within a period of two weeks from the date of receipt of a copy of this order to try the cases in O.S.No.588/2015 and HMOP.No.598 of 2015 jointly. The Presiding Officer, District Court, Coimbatore, is directed to dispose of the H.M.O.P.No.598 of 2015, O.S.No.589 of 2011 and 558 of 2015 jointly as expeditiously as possible, in any event, not later than six months from the date of receipt of a copy of this order.

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

Sd/-

Assistant Registrar(CCC)

//True Copy//

सत्यमेव जयते

Sub Assistant Registrar

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at/gv

To

1.The Judge,
The Family Court,
Coimbatore.

2.The District Judge,
Coimbatore.

+1cc to M/S.Kaavya Silambanan Associates Sr.45632

+1cc to Mr.A.Thiagarajan, Advocate Sr.45827

Tr.C.M.P. No.240 of 2017
and
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srg 13/07/2017



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