

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.03.2017

CORAM

THE HONOURABLE THIRU JUSTICE M. DURAISWAMY

Tr.C.M.P.Nos.256 and 257 of 2017

D.Jegadeesh

... Petitioner

v.

Vethavalli @ Ammu

... Respondent

Tr.C.M.Ps. filed under section 24 of C.P.C., to withdraw the proceedings in H.M.O.P.No.449 of 2015 and H.M.O.P.No.298 of 2016 now pending on the file of the Family Court, Trichirappalli and transfer the same to the file of the Family Court, Coimbatore.

For Petitioner : Ms.Elizabeth Ravi

O R D E R

The petitioner, who is the husband of the respondent, has filed the above Transfer Civil Miscellaneous Petitions to withdraw and transfer H.M.O.P.No.449 of 2015 and H.M.O.P.No.298 of 2016 now pending on the file of the Family Court, Trichirappalli to the file of the Family Court, Coimbatore.

2. The learned counsel appearing for the petitioner submitted that the petitioner has filed the petition in H.M.O.P.No.298 of 2016 for dissolution of marriage and the respondent wife filed H.M.O.P.No.449 of 2015 for restitution of conjugal rights.

3. The Family Court, Trichirappalli took up both the matters and is trying both the matters together.

4. The learned counsel appearing for the petitioner submitted that the respondent/wife filed a memo before the Family Court, Trichirappalli, stating that she lost confidence in the Family Court. The learned counsel further submitted that in view of memo filed by the respondent/wife, the Family Court, is not proceeding with the matter. Hence, the petitioner is

seeking for transfer of the Original Petition to the file of the Family Court. Coimbatore, for early disposal. That apart, the learned counsel also submitted that the oral evidence of both the parties was also closed and the Original Petitions are posted for arguments.

5. It is pertinent to note that the respondent/wife has not filed any transfer petition inspite of filing memo before the Family Court, Trichirappalli.

6. The filing of memo by the respondent is not a ground for transferring the Original Petitions to the file of the Family Court, Coimbatore. Since the petitioner has not made out a case for transfer, I do not find any merit in the transfer petitions and hence they are liable to be dismissed. Accordingly, the Transfer Civil Miscellaneous Petitions are dismissed.

7. Since the Original Petitions are posted for arguments, I direct the Family Court, Trichirappalli, to dispose of the Original Petitions in H.M.O.P.No.449 of 2015 and H.M.O.P.No.298 of 2016, on merits and in accordance with law within a period of two months from the date of receipt of a copy of this order.

No costs.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

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To

1. The Family Court, Trichirappalli

2. The Family court, Coimbatore.

+ 1 cc to M/s. Elizabeth Ravi, Advocate Sr.16797

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EV(CO)

Eu 6.4.17