

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.10.2017

C O R A M

THE HONOURABLE Mrs.JUSTICE PUSHPA SATHYANARAYANA

Tr.C.M.P.No.294 of 2017
and C.M.P.No.5612 of 2017

J.Saranya Priya

.. Petitioner

-Vs-

K.Thiyagarajan

.. Respondent

Transfer Civil Miscellaneous Petition filed under Section 24 of C.P.C praying to withdraw the H.M.O.P.No.52 of 2016 pending on the file of the Subordinate Court, Sankari and transfer the same to the file of the Additional Family Court, Coimbatore to be tried along with H.M.O.P.No.992 of 2016.

For petitioner ... Mr.N.Vanaraj

For respondent ... No Appearance

O R D E R

This transfer petition is filed by the wife seeking transfer of H.M.O.P.No.52 of 2016 pending on the file of the Sub Court, Sankari to the Additional Family Court, Coimbatore to be tried along with H.M.O.P.No.992 of 2016 pending on the file of the Additional Family Court, Coimbatore.

2. The petitioner, who is the wife, has filed a divorce petition under Section 13(1)(i-a) before the Family Court, Coimbatore. While so, the respondent-husband has also filed H.M.O.P.No.52 of 2016 for conjugal rights before the Sub Court, Sankari.

3. It is the grievance of the petitioner that she is presently residing with her aged parents at Coimbatore and she is also not employed. Out of the wedlock between the petitioner and the respondent, a baby boy was born on 06.03.2014. The petitioner finds it difficult to travel all along from Coimbatore to Sankari along with the child. Her aged parents also could not accompany her for the Court hearings. Hence, the transfer petition has been filed.

4. Though the respondent had been served with notice, there is no representation for the respondent either in person or through counsel. Notice sent to the respondent has been returned as refused.

5. Taking into consideration the grievance expressed by the petitioner that she has to travel all along from Coimbatore to Sankari Tambaram and also taking into account the fact that she is not employed and the fact that the petitioner is having a minor child and therefore she could attend the hearing dates in H.M.O.P.No.52 of 2016, this Court deems it fit to transfer the said H.M.O.P.No.52 of 2016 from the file of the Sub Court, Sankari to the Additional Family Court, Coimbatore, which shall be tried along with H.M.O.P.No.992 of 2016 filed by the petitioner / wife.

6. This transfer petition is allowed accordingly. No costs. Consequently connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

srn

To

1. The Subordinate Court, Sankari
2. The Additional Family Court, Coimbatore

+1cc to Mr.N.Vana Raj, Advocate, S.R.No.72322

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GN(01/11/2017)