

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.03.2017

CORAM

THE HONOURABLE THIRU JUSTICE M. DURAISWAMY

Tr.C.M.P.No.742 of 2015 &
M.P.No.1 of 2015

Sathya

... Petitioner

v.

Arunkumar

.... Respondent

Tr.C.M.P. filed under section 24 of C.P.C., to withdraw the withdraw the F.C.M.O.P.No.235 of 2014 pending on the file of Family Court at Dharmapuri and transfer the same to Sub Court Tiruvannamalai.

For Petitioner : Mr.B.Jawahar

For Respondent : Mr.R.Thirugnanam

O R D E R

Heard both sides.

2. The petitioner, who is the wife of the respondent, has filed the above Tr.C.M.P. to withdraw the Original Petition in F.C.M.O.P.No.235 of 2014 pending on the file of Family Court, Dharmapuri and to transfer the same to the file of Sub Court Tiruvannamalai.

3. In the affidavit filed in support of the Petition it has been stated that she is residing at Bonthai Village, Thandarampattu Taluk, Tiruvannamalai District and she has also filed a Original Petition in H.M.O.P.No.36 of 2015 for restitution of conjugal rights before the Sub Court, Tiruvannamalai. Further, she has also filed a Maintenance Case in M.C.No.2 of 2015 before the Judicial Magistrate Court, Chengam. Since the respondent has filed the Original Petition in F.C.M.O.P.No.235 of 2014 before the Family Court, Dharmapuri, she has stated that she is finding it difficult to travel from her native place in Tiruvannamalai District to Dharmapuri.

4. Mr.R.Thirugnanam, learned counsel appearing for the respondent submitted that instead of transferring F.C.M.O.P.No.235 of 2014 to Sub Court Tiruvannamalai, the same can be transferred to Sub Court, Uthankarai, which is 70 kms. away from Dharmapuri and 57 kms. away from petitioner's residence.

5. However, since the petitioner-wife has already filed a petition in H.M.O.P.No.36 of 2015 for restitution of conjugal rights before the Sub Court, Tiruvannamalai, I am of the view that the Original Petition in F.C.M.O.P.No.235 of 2014 can be transferred to the file of Sub Court, Tiruvannamalai to be tried along with H.M.O.P.No. 36 of 2015.

6. Accordingly, the Original Petition in F.C.O.P.No.235 of 2014 pending on the file of Family Court, Dharmapuri is withdrawn and transferred to the file of Sub Court, Tiruvannamalai to be tried along with H.M.O.P.No. 36 of 2015. Since the Original Petition is pending from 2014, I direct the Sub Court, Tiruvannamalai District to dispose of both the Original Petitions on merits and in accordance with law, within a period of six months, from the date of receipt of a copy of this order.

With these observations, the Tr.C.M.P. is ordered. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Asst.Registrar

/true copy/

Sub Asst. Registrar

Rj

To

1.The Family Court,
Dharmapuri

2.The Subordinate Court,
Tiruvannamalai.

+1cc to Mr.Thirugnanam,Advocate sr.16635

+1cc to Mr.Jawahar,Advocate sr.16578

Tr.C.M.P.No.742 of 2015 &
M.P.No.1 of 2015

mg(co)
ss(23/3/2017)