

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15-06-2017

CORAM :

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

Tr.C.M.P.No.842 of 2015
and M.P.No.1 of 2015

A.Selvaraj ... Petitioner

Vs.

R.Girija ... Respondent

Petition filed under Section 24 of Civil Procedure Code, to transfer H.M.O.P.No.83 of 2013 pending on the file of the Sub Court, Gobichettipalayam, to the file of the family Court, Coimbatore to be tried along with the H.M.O.P.No.305 of 2014 pending on the Family Court, Coimbatore.

For Petitioner : Mr.K.Ramachandran

For Respondent : No appearance

O R D E R

This petition is filed to transfer H.M.O.P.No.83 of 2013 pending on the file of the Sub Court, Gobichettipalayam, to the file of the family Court, Coimbatore to be tried along with the H.M.O.P.No.305 of 2014 pending on the Family Court, Coimbatore.

2. The petitioner is the husband and respondent is the wife. The marriage between the petitioner and the respondent was conducted on 13.06.2006 as per Hindu rites and customs. After marriage, the petitioner and the respondent were living in the matrimonial house. Due to difference of opinion, the petitioner and the respondent, are living separately. The respondent is living with her parents in Coimbatore. The respondent filed in M.C.No.125 of 2013 before the Family Court, Coimbatore claiming maintenance against the petitioner. The petitioner filed H.M.O.P.No.83 of 2013 for divorce before Sub Court, Gobichettipalayam. The respondent filed H.M.O.P.No.305 of 2014 for restitution of conjugal rights and the same is pending before Family Court, Coimbatore. In these Circumstances, the petitioner has come up with the present Transfer Petition to transfer the H.M.O.P.No.83 of 2013 filed by the petitioner to Family Court, Coimbatore and to try along with H.M.O.P.No.305 of 2014 filed by respondent to avoid conflict in decisions.

3. Though notice has been served on the respondent and her name being printed in the cause list, there is no representation for the respondent either in person or through counsel.

4. Taking into consideration the fact that the respondent has already filed M.C.No.125 of 2013 and H.M.O.P.No.305 of 2014 and both the cases are pending before Family Court, Coimbatore and in order to avoid conflicting decisions, in the interest of Justice, H.M.O.P.No.83 of 2013 pending on the file of the Sub Court, Gobichettipalayam is ordered to be withdrawn and transferred to Family Court, Coimbatore to be tried along with H.M.O.P.No.305 of 2014 and M.C.No.125 of 2013.

5. The learned Sub Judge, Gobichettipalayam, is directed to transmit all the records pertaining to H.M.O.P.No.83 of 2013 to Family Court, Coimbatore within a period of two weeks from the date of receipt of a copy of this order and on receipt of said documents, the Presiding Officer, Family Court, Coimbatore is directed to dispose of all the three cases, as expeditiously as possible in any event not later than four (4) months from the date of receipt of case bundle from the concerned Court.

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

Sd/-
Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

dh/rg

To

1. The Sub Court,
Gobichettipalayam,
2. The family Court,
Coimbatore

+1cc to Mr.K.Ramachandran, Advocate, S.R.No.42558

Tr.C.M.P.No.842 of 2015

NRI (CO)
CS/05/07/17