

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.08.2017

CORAM :

THE HONOURABLE MS. JUSTICE V.M.VELUMANI

Tr.C.M.P. No.787 of 2016
& C.M.P.No.20015 of 2016

S.Rajathi

... Petitioner

Vs.

Sakthivel

... Respondent

Prayer:- Petition has been filed under Section 24 of C.P.C., to withdraw the H.M.O.P.No.245 of 2016 pending on the file of the Family Court, Erode and transfer the same to the file of the Sub Court at Pollachi to be tried along with H.M.O.P.No.94 of 2016 which is pending on the file of the Sub Court at Pollachi.

For Petitioner : Mr.K.Senthilkumar

For Respondent : Mr.S.M.Murali Dharan
for Sole Respondent

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ORDER

This civil revision petition is filed to withdraw the H.M.O.P.No.245 of 2016, pending on the file of the Family Court, Erode and transfer the same to the file of the Sub Court at Pollachi,

to be tried along with H.M.O.P.No.94 of 2016 which is pending on the file of the Sub Court at Pollachi.

2. In the order dated 19.06.2017 some mistake had crept in. On being mentioned by learned counsel for parties the said order is recalled and the present order is passed.

3. The petitioner is the wife and respondent is the husband. The marriage between the petitioner and respondent was conducted on 22.06.2008 as per Hindu rites and customs. In the wedlock, a female child was born namely Prathiksha. Due to difference of opinion arose between the petitioner and respondent, they are living separately. The petitioner filed H.M.O.P.No.94 of 2016 for divorce on the ground of cruelty against the respondent and the same is pending on the file of Sub Court at Pollachi. The respondent filed H.M.O.P.No.245 of 2016 for restitution of conjugal rights, which is pending on the file of the Family Court, Erode.

4. Both the learned counsel appearing for the petitioner and respondent made an endorsement on 19.06.2017, that both the cases in H.M.O.P.No.245 of 2016, pending on the file of Family

Court at Erode and H.M.O.P.No.94 of 2016, pending on the file of Sub Court at Pollachi may be transferred to the Family Court, Coimbatore. Both the counsel appearing for petitioner and respondent submitted that both the parties have agreed to conduct the case before the Family Court, Coimbatore and made an endorsement to that effect.

5. In view of the endorsement made by both the learned counsel appearing for the petitioner and respondent, the Transfer Civil Miscellaneous Petition is allowed, directing the learned Judge, Family Court, Erode and learned Sub Judge Pollachi to transfer H.M.O.P.No.245 of 2016 and H.M.O.P.No.94 of 2016 respectively to the file of Family Court, Coimbatore, within a period of two weeks from the date of receipt of a copy of this order. On receipt of such bundle, the Family Court, Coimbatore is directed to dispose both the cases as expeditiously as possible, in any event not later than three months from the date of receipt of the case bundles.

V.M.VELUMANI,J.

dm

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

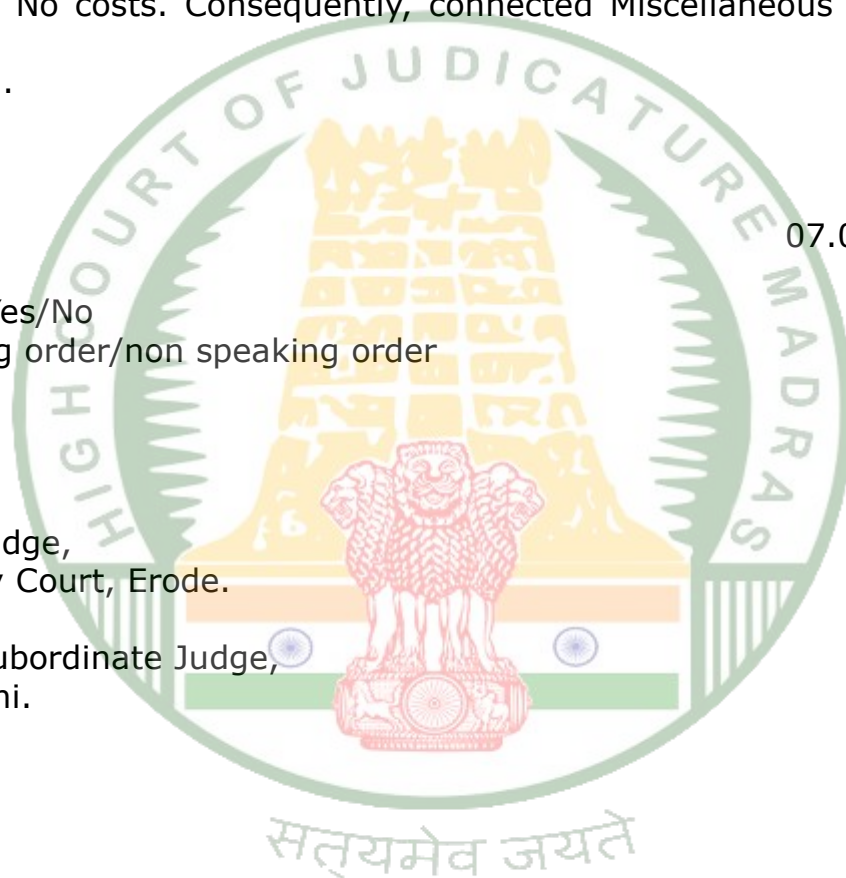
07.08.2017

Index: Yes/No
Speaking order/non speaking order
dm/gsa

To

1.The Judge,
Family Court, Erode.

2.The Subordinate Judge,
Pollachi.



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