

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 12.06.2017

Coram :

The Honourable Ms.Justice V.M.VELUMANI

Tr.C.M.P.No.590 of 2016
and
CMP.No.16238 of 2016

Mangayarkarasi

...Petitioner

Vs

M.Kumaresan

...Respondent

PRAYER: Transfer Petition filed under Section 24 of Civil Procedure Code praying to withdraw the FCOP.No.180 of 2015 from the file of the Family Court, Chengalpet and transfer the same to any competent Court.

For Petitioner : Mr.S.Anburaja
For Respondent : Ms.Anita

ORDER

This Transfer Petition is filed to withdraw FCOP.No.180 of 2015 from the file of the Family Court, Chengalpet and transfer to the file of any competent Court.

2. The petitioner is the wife and respondent is the husband. The marriage between the petitioner and respondent was conducted on 29.06.2012 as per Hindu rites and customs. Out of wedlock, a female child was born to them on 02.07.2013. Due to difference of opinion arose between the petitioner and respondent, both of them are living separately. The respondent filed FCOP.No.180 of 2015 for divorce on the file of the Family Court, Chengalpet. The petitioner has filed FCOP.No.293 of 2015 for restitution of conjugal rights and the same is also pending before the same Court.

3. According to the petitioner, she is residing with her parents along with her minor child at Guduvancherry. She has no independent income. She is depending on her parents even for her travel expenses also.

4. The petitioner has come out with the present transfer petition to transfer FCOP.No.180 of 2015 filed by the respondent to any other competent Court on the ground that the Family

Court Judge, Chengalpet, is insisting the petitioner to get along with FCOP.No.180 of 2015 and not taking up the FCOP.No.293 of 2015 filed by her for final disposal.

5. Today, when the Transfer Civil Miscellaneous Petition is taken up for hearing, learned counsel for the petitioner has submitted that now the Family Court, Chengalpet, has taken up both the FCOPs filed by the petitioner and respondent and it is posted for final hearing and joint trial. Both the FCOPs are taken up together and posted for enquiry. In such circumstances, he prayed for speedy disposal of both FCOPs filed by the petitioner and the respondent.

6. In view of the submission made by the learned counsel for the petitioner, without deciding the issue on merits, I direct the Family Court, Chengalpet, to dispose of both FCOP.No.293 of 2015 filed by the petitioner and FCOP.No.180 of 2015 filed by the respondent jointly and pass orders on merits, in accordance with law, as expeditiously as possible, in any event, not later than three months from the date of receipt of a copy of this order.

With the above direction, this Transfer Civil Miscellaneous petition is disposed of. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

gv

To

The Family Court,
Chengalpet.

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LRS (CO)
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