

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.06.2017

CORAM :

THE HONOURABLE Ms. JUSTICE V.M.VELUMANI

Tr.CMP.No.701 of 2016

and

CMP.Nos.18202 & 18203 of 2016

M.Santhosh Kumar

... Petitioner

Vs.

N.Yashotha

... Respondent

Prayer:- Petition has been filed under Section 24 of C.P.C., to withdraw H.M.O.P.No.50 of 2016 from the file of the Principal Sub Court, Coimbatore and transfer to the file of the Family Court, Coimbatore, for being tried along with H.M.O.P.No.1581 of 2015 on its file.

For Petitioner : Mr.K.Govi Ganesan

O R D E R

This petition is filed to withdraw H.M.O.P.No.50 of 2016 from the file of the Principal Sub Court, Coimbatore and transfer it to the file of the Family Court, Coimbatore, for being tried along with H.M.O.P.No.1581 of 2015 on its file.

2. The petitioner is the husband and respondent is the wife. The marriage between the petitioner and respondent was conducted on 22.05.2015. After the marriage they were residing in the matrimonial home at Coimbatore. On 21.8.2015, the respondent deserted the matrimonial home and went to her parent's house respondent and never to her matrimonial house. The respondent filed HMOP.No.1581 of 2015 before the Family Court, Coimbatore, to declare the marriage as null and void. The petitioner entered appearance and is contesting the said petition. Thereafter, the petitioner also filed HMOP.No.50 of 2016 before the Principal Sub-Court, Coimbatore, for restitution of conjugal rights.

3. According to the petitioner, he was interested in re-union, but the respondent did not show any signs of re-union. It is contended by the petitioner that if both are petitions are heard together, it would avoid multiplicity of proceedings and there is a possibility in deciding the case at the earliest. In the said circumstance, the petitioner has come out with the present transfer petition praying to transfer the

H.M.O.P.No.50 of 2016 filed by him before the Principal Sub Court, Coimbatore to be tried along with the HMOP.No.1581 of 2015 pending before the Family Court, Coimbatore.

4. Though notice has been served to the respondent through Court and his name being printed in the cause-list, there is no representation on behalf of the respondent either in person or through counsel.

5. Heard the learned counsel for the petitioner.

6. It is seen that both the petitioner and respondent are the residents of Coimbatore and both have filed two original petitions under Hindu Marriage Act before two different Courts in Coimbatore. Considering the submissions made by the learned counsel for the petitioner, this Court is of the view that the petitions filed by the petitioner and the respondent can be heard together in the interest of justice. Accordingly, the petition in HMOP. No.50 of 2016 pending before Principal Sub Court, Coimbatore is ordered to be withdrawn from its file and transferred to the file of the Family Court, Coimbatore, to be tried along with HMOP.No.1581 of 2015 filed by the respondent-wife, pending on its file. The Presiding Officer, Principal Sub Court, Coimbatore, is directed to transmit all the records pertaining to H.M.O.P.No.50 of 2016 to the file of the Family Court, Coimbatore, within a period of two weeks from the date of receipt of a copy of this order.

7. Accordingly, this Transfer Civil Miscellaneous petition is ordered. No costs. Consequently, connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar(CS VI)

//True Copy//सत्यमेव जयते

Sub Assistant Registrar

dm/ds

To

1. The Principal Sub Judge,
Coimbatore.
2. The Judge,
Family Court, Coimbatore.

+1cc to Mr.K.Govi Ganesan, Advocate, S.R.No.41810

Tr.C.M.P. No.701 of 2016
and C.M.P.No.18202 & 18203 of 2016

RSY (CO)

<https://hcservices.ecourts.gov.in/hcservices/>
CA(04/07/2017)