

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.04.2017

CORAM :

THE HONOURABLE MS. JUSTICE V.M.VELUMANI

Tr.C.M.P.No.762 of 2016
and
C.M.P.No.19560 of 2016

S.Kulandaivelan ... Petitioner/Respondent

Vs.

S.Kalyani ... Respondent/Petitioner

Prayer:- Petition has been filed under Section 24 of C.P.C., to withdraw and transfer H.M.O.P.No.58 of 2015 from the file of the Sub-Court, Pudukottai and to the file of the III Additional Family Court, Chennai and to be tried along with O.P.No.2926 of 2015 pending on its file.

For Petitioner : Mr.K.Balasubramaniam

For Respondent : Mr.T.K.Dharmarajan

O R D E R

The petitioner is the husband and respondent is the wife. The marriage between the petitioner and the respondent was solemnised on 05.06.2011 as per Hindu rites and customs. A male child was born in the wed lock, on 07.03.2012. On 21.12.2013, the respondent on the ill advice of her parents started picking up quarrel with the petitioner and left the matrimonial home. Thereafter, the respondent has filed H.M.O.P.No.58 of 2015 for divorce on the file of the Sub-Court, Pudukottai. The petitioner has filed H.M.O.P.No.2926 of 2015 for restitution of conjugal rights and visitation rights on the file of the III Additional Family Court, Chennai.

2. According to the petitioner, the respondent/wife is living with her parents in Chennai and also working as a Manager in Canara Bank, T.Nagar. Since both the petitioner and respondent are residing and also working in Chennai and their minor son is studying in a school at Selaiyur, Chennai, he prays for transfer of H.M.O.P.No.58 of 2015 from the file of the Sub-Court, Pudukottai, to the file of the III Additional Family Court, Chennai and for joint trial of H.M.O.P.No.2926 of 2015 pending on its file.

3. Learned counsel for the respondent/husband submits that the respondent/wife has no objection to transfer the case as sought for by the petitioner/husband and he has also made an endorsement to that effect.

4. Recording the no objection given by the learned counsel for the respondent/wife, without deciding the issue on merits, the petition in H.M.O.P.No.58 of 2015 is ordered to be withdrawn from the file of the Sub-Court, Pudukottai and transferred to the file of the III Additional Family Court, Chennai and to be tried along with H.M.O.P.No.2926 of 2015 pending on its file. The Presiding Officer, Sub-Court, Pudukottai, is directed to transmit all the records pertaining to H.M.O.P.No.58 of 2015 to the file of the III Additional Family Court, Chennai, within a period of two weeks from the date of receipt of a copy of this order. On receipt of the records, the Presiding Officer, III Additional Family Court, Chennai, is directed to dispose of both the HMOPs as expeditiously as possible, in any event, not later than 30th September 2017.

5. 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

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To

1.The Sub-Court,
Pudukottai.

2.The III Additional Family Court,
Chennai.

+1cc to Mr.K.Balasubramaniam, Advocate, S.R.No.25083

Tr.C.M.P.No.762 of 2016
and
C.M.P.No.19560 of 2016

SJ(CO)
CA(09/05/2017)