



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 28.02.2017

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THE HONOURABLE MR.JUSTICE N.KIRUBAKARAN

TR C.M.P.(MD).No.43 of 2017

and

C.M.P.(MD)No.1066 of 2017

T.Subamathi ... Petitioner/Respondent/Wife
Vs.
J.Vijayakumar @ Karthi ... Respondent/Petitioner/Husband

PRAYER : Transfer Civil Miscellaneous petition filed under Section 24 r/w 151 of C.P.C., to withdraw the case in H.M.O.P.No.53 of 2017 on the file of the Family Court, Coimbatore, and to transfer the same to the III Subordinate Court, Madurai, to try along with the case in H.M.O.P.No.469 of 2016.

For Petitioner : Mr.R.Paul Sukumar

For Respondent : Mr.A.Ajmal Khan

O R D E R

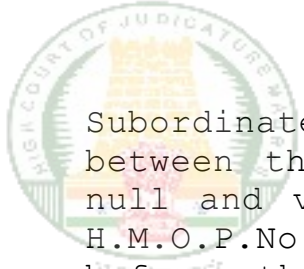
This Transfer Civil Miscellaneous petition has been filed to withdraw the case in H.M.O.P.No.53 of 2017 on the file of the Family Court, Coimbatore, and to transfer the same to the III Subordinate Court, Madurai, to be tried along with the case in H.M.O.P.No.469 of 2016.

2. Heard the learned counsel appearing for the petitioner and the learned counsel appearing for the respondent.

3. The petitioner/wife has come before this Court seeking transfer of H.M.O.P.No.53 of 2017 filed by the respondent/husband seeking restitution of conjugal rights before the Family Court, Coimbatore, to the file of the III Subordinate Court, Madurai, to be tried along with H.M.O.P.No.469 of 2016 filed by the petitioner seeking declaration that the marriage between the petitioner and the respondent held on 14.09.2016 is null and void.

4. The petitioner and the respondent got married on 14.09.2016. They lived together only for 30 days in the same house and thereafter, they were living separately making serious allegations against each other.

<https://hcservices.courts.gov.in/hcservices>
5. The petitioner filed the petition in H.M.O.P.No.469 of 2016 under Section 12(1)(a) of the Hindu Marriage Act, before the III



Subordinate Court, Madurai, seeking declaration that the marriage between the petitioner and the respondent held on 14.09.2016 is null and void. Similarly, the respondent filed the petition in H.M.O.P.No.53 of 2017 under Section 9 of the Hindu Marriage Act, before the Family Court, Coimbatore, seeking restitution of conjugal rights. Only to transfer the said petition, the present petition has been filed.

6. Considering the young age of the parties, this Court directed both the parties to be present. However, the conciliation made could not be successful. This Court has not gone into the allegations against both the parties and has not given any findings on that. The scope of the petition is limited to transfer alone. After hearing the parties, this Court instead of transferring the cases to III Subordinate Court, Madurai, transfer both the petitions in H.M.O.P.No.53 of 2017 on the file of the Family Court, Coimbatore and H.M.O.P.No.469 of 2016 on the file of the III Subordinate Court, Madurai, to the file of the Subordinate Court, Thuraiyur, Trichy District, since it is convenient for both the parties.

7. Accordingly, the petition in H.M.O.P.NO.469 of 2016 filed by the petitioner pending on the file of the III Subordinate Court, Madurai and H.M.O.P.No.53 of 2017 filed by the respondent pending on the file of the Family Court, Coimbatore, are withdrawn and transferred to the Subordinate Court, Thuraiyur, Trichy District. Both the trial Courts are directed to send the records immediately.

8. Since both the parties are present before this Court, the parties are informed about calling of the matter before the Subordinate Court, Thuraiyur, Trichy District on 20.03.2017. In the meanwhile, the records should be sent by the Courts below and re-numbering has to be done. Both the parties are directed to file counter affidavit/written statement by 27.03.2017. The trial has to be commenced on 03.04.2017 and both the parties are directed to co-operate with the trial Court to dispose of the matter on or before 30.06.2017. Taking into consideration the young age of the parties and serious allegations made by the parties against each other, this Court dispose this petition accordingly.

9. With the above directions, the Transfer Civil Miscellaneous petition is allowed. No costs. Consequently, connected Miscellaneous petition is closed.

Sd/-
Assistant Registrar()

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To

1. The Family Court,
Coimbatore.
2. The III Subordinate Court,
Madurai.
3. The Subordinate Court,
Thuraiyur,
Trichy District.

+1cc to Mr.S.A.Ajmal Khan, Advocate Sr.No. 11377

+3cc to Mr.R.Paul Sukumar, Advocate Sr.No.11384

ORDER MADE IN
TR C.M.P. (MD) .No.43 of 2017
and
C.M.P. (MD) No.1066 of 2017
28.02.2017

pmu

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