



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 01.03.2017

CORAM:

THE HONOURABLE MR.JUSTICE N.KIRUBAKARAN

TR.CMP(MD)No.561 of 2016

and C.M.P. (MD) No.11929 of 2016 and

Civil Miscellaneous Petition(MD)No.6808 of 2017

(H.M.O.P.No.385 of 2016 on the file of the Family Court,
Tirunelveli)

and

Civil Miscellaneous Petition(MD)No.6809 of 2017

(H.M.O.P.No.676 of 2016 on the file of the Sub Court, Tambaram)

TR CMP(MD) . 561/ 2016 :

Gokulraj ... Petitioner/Husband

VS.

Indhu ...Respondent/Wife

TR CMP(MD). 561 of 2016 is filed under Section 24 of Civil Procedure Code to withdraw the petition H.M.O.P.No.676/16 from the file of the Sub Court, Tambaram to the file of the Principal Sub Court, Madurai.

For Petitioner :Mr.H.Arumugam

For Respondent :Mr.S.T.Sasidharan Tamilkani

CMP(MD)No.6808 of 2017

(H.M.O.P.No.385 of 2016 on the file of the Family Court,
Tirunelveli)

Gokulraj ... Petitioner/Husband

VS.

Indhu ...Respondent/Wife

Prayer: Originally H.M.O.P.No.385 of 2016 was filed under Section 13 (1)(ia) of Hindu Marriage Act, 1955, before the Family Court, Tirunelveli praying to pass a decree and judgment by dissolving the marriage solemnized between the petitioner and the respondent on 23.2.2015 by granting decree of divorce. As per order dated 1.3.2017 passed in Tr.C.M.P.No.561 of 2017, the H.M.O.P.No.385 of 2016 was withdrawn from the file of the Family Court, Tirunelveli and taken on file by this Court and renumbered as Civil Miscellaneous Petition (MD)No.6808 of 2017.

For Petitioner :Mr.H.Arumugam

For Respondent :Mr.S.T.Sasidharan Tamilkani

**CMP (MD) No. 6809 of 2017**

(H.M.O.P.No.676 of 2016 on the file of the Sub Court, Tambaram)

Indhu

...Petitioner/Wife

Gokulraj

... Respondent/Husband

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Prayer: Originally H.M.O.P.No.676 of 2016 was filed under Section 9 of Hindu Marriage Act, 1955, before the Subordinate Court, Tambaram praying to pass a decree and judgment directing the respondent to join hands with the petitioner by passing restitution of conjugal rights. As per order dated 1.3.2017 passed in Tr.C.M.P.No.561 of 2017, the H.M.O.P.No.676 of 2016 was withdrawn from the file of the Subordinate Court, Tambaram and taken on file by this Court and renumbered as Civil Miscellaneous Petition(MD)No.6809 of 2017.

For Petitioner :Mr.S.T.Sasidharan Tamilkani

For Respondent :Mr.H.Arumugam

COMMON ORDER

This Transfer Petition has been filed by the husband seeking transfer of H.M.O.P.No.676 of 2016 filed by the respondent/wife on the file of the Sub Court, Tambaram seeking restitution of conjugal rights. The husband has filed H.M.O.P.No.135 of 2015 seeking divorce on the file of the Family Court, Tirunelveli and pursuant to the order dated 03.08.2016 passed by this Court in Tr.C.M.P.No.296 of 2016, H.M.O.P.No.135 of 2015 on the file of the Family Court, Tirunelveli was transferred to the file of the Principal Sub Court, Madurai and the same was re-numbered as H.M.O.P.No.385 of 2016.

2. The petitioner and the respondent got married on 23.02.2015 and out of the wedlock, a child was born. Subsequently dispute arose between both parties and they are living separately. Thereafter only, the above proceedings are initiated.

3. When the matter is called before this court, both parties have appeared and they categorically stated already both of them re-united and they are living at Coimbatore and they have also endorsed in the petition as follows:

"We both are ready for reunion. We are re-united from 01.03.2017 onwards".

4. In view of the above happy event, no useful purpose will be achieved by keeping the proceedings before the trial court. Recording the endorsement made by both parties and their respective counsels, this Court *suo motu* withdraws and calls for the records in H.M.O.P.No.676 of 2016 on the file of the Sub Court, Tambaram and H.M.O.P.No.385 of 2016 on the file of the Principal Sub Court, Madurai. In view of the above, invoking Article 227 of the Constitution of India and Section 151 of Code of Civil Procedure to the file of this Court and dismissed the same.



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

Sd/-

Assistant Registrar(RTI)

/True Copy/

Sub Assistant Registrar

To

- 1.The Sub Judge, Tambaram.
 - 2.The Family Judge, Tirunelveli.
 - 3.The Principal Subordinate Judge, Madurai.
- Copy to :** The Section Officer, V.R Section,
Madurai Bench of Madras High Court, Madurai.

+1cc to M/s.S.T. SASIDHARAN TAMILKANI Advocate in SR. No.11854

+1cc to Mr. H. ARUMUGAM Advocate in SR. No.12116

CM

JS/KK/SAR.1/31.07.2017/3P-7C

TR.CMP(MD) No.561 of 2016
and C.M.P. (MD) No.11929 of 2016
01.03.2017