

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.04.2018

CORAM :

THE HONOURABLE MS. JUSTICE V.M.VELUMANI

Tr.C.M.P. No.685 of 2017

and C.M.P.No.13534 of 2017

&

Tr.C.M.P.No.179 of 2018

and C.M.P.No.4833 of 2018

Tr.C.M.P.No.685 of 2017

A.Sowmya

... Petitioner

Vs.

R.Santhosh Kumar

... Respondent

Prayer:- Petition has been filed under Section 24 of C.P.C., to withdraw H.M.O.P.No.1134 of 2015 from the file of the Additional Family Court, Coimbatore and to transfer the same to the file of the Principal Subordinate Court, Tiruppur or any other Court having competent jurisdiction at Tiruppur District.

Tr.C.M.P.No.179 of 2018

R.Santhosh Kumar

... Petitioner

Vs.

A.Sowmya

... Respondent

Prayer:- Petition has been filed under Section 24 of C.P.C., to withdraw H.M.O.P.No.403 of 2017 from the file of the Principal Subordinate Court, Tiruppur and to transfer the same to the file of the Additional Family Court, Coimbatore, to try along with H.M.O.P.No.1134 of 2015 pending on its file.

In Tr.C.M.P.No.685 of 2017

For Petitioner

: Mr.D.Gopal

For Respondent

: Mr.P.Saravana Sowmiyan

In Tr.C.M.P.No.179 of 2018
For Petitioner : Mr.P.Saravana Sowmiyan

For Respondent : Mr.D.Gopal

C O M M O N O R D E R

Tr.C.M.P.No.685 of 2017 is filed by the wife to withdraw H.M.O.P.No.1134 of 2015 from the file of the Additional Family Court, Coimbatore and to transfer the same to the file of the Principal Subordinate Court, Tiruppur or any other Court having competent jurisdiction at Tiruppur District.

Tr.C.M.P.No.179 of 2018 is filed by the husband to withdraw H.M.O.P.No.403 of 2017 from the file of the Principal Subordinate Court, Tiruppur and to transfer the same to the file of the Additional Family Court, Coimbatore, to try along with H.M.O.P.No.1134 of 2015 pending on its file.

2.The learned counsel for the husband submitted that in H.M.O.P.No.1134 of 2015 on the file of the Additional Family Court, Coimbatore, trial commenced and evidence on behalf of the husband was recorded and closed and it is posted for evidence on behalf of the wife. At that stage, the wife has filed Tr.C.M.P.No.685 of 2017 and obtained an interim order of stay of further proceedings in H.M.O.P.No.1134 of 2015 and filed H.M.O.P.No.403 of 2017 under Section 9 of the Hindu Marriage Act, for restitution of conjugal rights before the Principal Subordinate Court, Tiruppur.

3.Now both the learned counsel appearing for the petitioner as well as the respondent submitted that both the cases in H.M.O.P.Nos.1134 of 2015 and 403 of 2017 can be heard together before the I Additional Family Court, Coimbatore and their appearance may be dispensed with for all the hearings, except at the time of evidence of wife and they have also made an endorsement to that effect.

4.Heard the learned counsel for the petitioner as well as the respondent.

5. In view of the submission and endorsement so made by the learned counsel for the petitioner as well as the respondent, the petition in H.M.O.P.No.403 of 2017 pending on the file of the Principal Subordinate Court, Tiruppur, is ordered to be withdrawn and transferred to the file of the I Additional Family Court, Coimbatore, to be tried along with H.M.O.P.No.1134 of

2015 filed by the husband, in order to avoid multiplicity of proceedings and conflicting judgments being delivered by two different Courts. The learned Principal Subordinate Judge, Tiruppur, is directed to transmit all the records pertaining to H.M.O.P.No.403 of 2017 to the file of the I Additional Family Court, Coimbatore, within a period of two weeks from the date of receipt of a copy of this order. The appearance of the wife is dispensed with for all the hearings, except at the time of evidence of wife.

6. Accordingly, Tr.C.M.P.No.179 of 2018 is ordered. In view of the order passed in Tr.C.M.P.No.179 of 2018, Tr.C.M.P.No.685 of 2017 is dismissed. No costs. Consequently, connected Miscellaneous Petitions are closed.

Sd/-
Assistant Registrar (CS-VIII)

//True Copy//

Sub Assistant Registrar

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To

1. The Principal Subordinate Judge, Tiruppur.

2. I Additional Family Judge, Coimbatore.

3. The Principal Subordinate Court, Tiruppur.

+2cc to Mr.D.GOPAL, Advocate, S.R.No.26576 & 26575

+1cc to Mr.P.SARAVANASOWMIYAN, Advocate, S.R.No. 26933

Tr.C.M.P. No.685 of 2017
and C.M.P.No.13534 of 2017
&

सत्यमेव जयते Tr.C.M.P.No.179 of 2018
and C.M.P.No.4833 of 2018

GJ (CO)
TR(10/05/2018)

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