

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.02.2018

CORAM :

THE HONOURABLE Mrs. JUSTICE PUSHPA SATHYANARAYANA

Tr.C.M.P. No.958 of 2017
and C.M.P.No.19222 of 2017

Dr.S.Meenakshi Priya

... Petitioner

versus

Dr.S.Karthikeyan

.... Respondent

Prayer:- The Petition is filed under Section 24 of C.P.C. praying to withdraw and transfer H.M.O.P.No.129 of 2017, pending on the file of the Subordinate Court, Krishnagiri to be tried along with I.A.No.1741 of 2017 in O.P.S.R.No.7653 of 2017 pending before the Hon'ble Principal Family Court, Chennai.

For Petitioner : Mr.M.R.Radha Krishnan

For Respondent : Mr.E.Kannadasan

ORDER

The petitioner is the wife, who is a Doctor by profession, and she has filed the above Transfer Miscellaneous Petition seeking to withdraw H.M.O.P.No.129 of 2017 filed by the respondent/husband for restitution of conjugal rights under Section 9 of the Hindu Marriage Act, pending on the file of Subordinate Court, Krishnagiri and transfer the same to the file of Principal Family Court, Chennai, to be tried along with I.A.No.1741 of 2017 in O.P.S.R.No.7653 of 2017.

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

3. It is stated that the petitioner/wife has also filed I.A.No.1741 of 2017 under Section 14(1) & (2) of the Hindu Marriage Act, before the Principal Family Court, Chennai to permit the petitioner to file the O.P. before the expiry of one year from the date of marriage and the O.P. in SR No.7653 of

2017 is filed within a period of one year. By efflux of time the one year period is now over.

4. The respondent is also a Doctor by profession. The learned counsel appearing for the respondent has no serious objection for transferring H.M.O.P.No.129 of 2017 from Subordinate Court, Krishnagiri to Principal Family Court, Chennai. He has only requested that the appearance of the respondent/husband may be dispensed with till the commencement of the trial and the respondent undertakes to appear whenever the Court directs him to appear.

5. Recording the said submission, the Transfer Civil Miscellaneous petition is allowed and H.M.O.P.No.129 of 2017, pending on the file of Subordinate Court, Krishnagiri is transferred to the file of Principal Family Court, Chennai, to be tried along with I.A.No.1741 of 2017 in O.P.S.R.No.7653 of 2017. No Costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(Audit)

//True copy//

Sub Assistant Registrar

rsi

To

1. The Subordinate Judge
Krishnagiri.

2. The Principal Family Judge,
Family Court, Chennai.

+1cc to Mr.M.R.Radhakrishnan, Advocate SR.No.13874

+1cc to Mr.E.Kannadasan, Advocate SR.No.14087

Tr.C.M.P. No.958 of 2017
and C.M.P.No.19222 of 2017

BR(CO)
GN(16/03/2018)