

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.02.2018

CORAM :

THE HONOURABLE Mrs. JUSTICE PUSHPA SATHYANARAYANA

Tr.C.M.P. No.385 of 2015
and M.P.No.1 of 2015

P.John Stephen

... Petitioner

versus

J.Pushpalath

... Respondent

Prayer:- The Petition is filed under Section 24 of C.P.C. praying to withdraw the I.D.O.P.No.284 of 2012 pending on the file of the Principal District Court, Coimbatore and transfer the same to the file of the Additional Family Court, Coimbatore to be tried along with I.D.O.P.No.260 of 2013.

For Petitioner : Mr.L.Mouli
For Respondent : Served-No Appearance

O R D E R

The petitioner/husband, who had filed I.D.O.P.No.260 of 2013 under Section 32 of the Indian Divorce Act, 1869 on the file of the Additional Family Coimbatore for restitution of conjugal rights, has filed this Tr.C.M.P.

2. The wife has filed I.D.O.P.No.284 of 2012 under Section 10(x) of the Indian Divorce Act, 1869 on the file of the Principal District Court, Coimbatore, for divorce.

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

4. Admittedly, both the parties are living in Coimbatore. Since both the O.Ps are relating to matrimonial dispute seeking relief mutually contradictory to each other and unless they are tried jointly, it would lead to conflict of decisions. Hence the petitioner-husband has sought for transfer of H.M.O.P.No.284 of 2012 (i.e) pending on the file of the Family Court, Coimbatore to the Additional Family Court, Coimbatore, where already I.D.O.P.No.260 of 2013 is pending.

5. The respondent/wife has been served with notice, but has not entered appearance either in person or through counsel.

6. As the transfer sought for is only within Coimbatore, no prejudice would be caused to the respondent-wife, if it is transferred and tried jointly.

7. Accordingly, the Transfer Civil Miscellaneous petition is allowed. H.M.O.P.No.284 of 2012, pending on the file of Principal District Court, Coimbatore shall stand withdrawn and transferred to the file of Additional Family Court, Coimbatore to be tried along with I.D.O.P.No.260 of 2013. No Costs. Consequently, connected miscellaneous petition is closed.

s/d-

Assistant Registrar(CS VII)

True Copy

Sub-Assistant Registrar

srn

To

1. The Judge, Additional Family Court, Coimbatore

2. The Principal District Court, Coimbatore.

+1 CC to Mr.L. Murali, Advocate sr 10896.

Tr.C.M.P. No.385 of 2015
and M.P.No.1 of 2015

PA(CO)
SP(01/03/2018)

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