

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.03.2018

CORAM :

THE HONOURABLE Mrs. JUSTICE PUSHPA SATHYANARAYANA

Tr.C.M.P. No.69 of 2018
and C.M.P.No.2008 of 2018

A.Kathiresan

... Petitioner

Vs.

Dr.N.Ananthi

... Respondent

Prayer:- Petition filed under Section 24 of C.P.C. praying to withdraw the I.D.O.P.No.216 of 2017 pending on the file of the Principal District Court, Coimbatore and transfer the same to the Family Court, Coimbatore to be tried along with D.O.P.No.1593 of 2017, which is pending on the file of the Family Court, Coimbatore.

For Petitioner : Mr.A.Thiyagarajan

For Respondent : Mr.Ma.P.Thangavel

O R D E R

The husband in a matrimonial proceedings has filed the above transfer Civil Miscellaneous Petition seeking to withdraw the I.D.O.P.No.216 of 2017 pending on the file of the Principal District Court, Coimbatore and transfer the same to the file of Family Court, Coimbatore to be tried along with D.O.P.No.1593 of 2017.

2. The respondent-wife had filed the above I.D.O.P.No.216 of 2017 under Section 10(1)(IX) and 10(1)(X) of Divorce Act, 1969, amended as per Act 51 of 2001 before the Principal District Judge, Coimbatore for dissolution of marriage held between the petitioner and respondent on 31.05.2012. The petitioner-husband had filed a petition in D.O.P.No.1593 of 2017 under Section 32 of the Divorce Act, 1869 as amended by the Indian Divorce (Amendment) Act, 2001 (Act 51 of 2001) before the Family Judge, Coimbatore for restitution of conjugal rights.

3. Heard the learned counsel appearing for the petitioner

and the learned counsel appearing for the respondent and perused the materials available on record.

4. As the O.P. filed by the petitioner/husband is for restitution of conjugal rights and the O.P. filed by the respondent/wife is for divorce, in order to avoid any conflict in decision, it would be appropriate to direct joint trial of both the cases.

5. The learned counsel appearing for the respondent/husband submitted that the respondent-husband has got no serious objection for the said transfer.

6. However, both the parties requested that their appearance may be dispensed with before the Court till the commencement of trial.

7. Considering the convenience of both the parties, the appearance of the parties is dispensed with till the commencement of trial.

8. Considering the submission made by the learned counsel for the petitioner and as the respondent has got no objection in transferring the petition to the Family Court, Coimbatore, this Tr.C.M.P is allowed and I.D.O.P.No.216 of 2017 pending on the file of the Principal District Court, Coimbatore is withdrawn and transferred to the file of Family Court, Coimbatore to be tried along with D.O.P.No.1593 of 2017. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Deputy Registrar

//True copy//

Sub Assistant Registrar

srn

To

1. The Principal District Court, Coimbatore.
2. The Family Court, Coimbatore

+1cc to Mr.A.Thiyagarajan, Advocate SR.No.18354
+1cc to Mr.Ma.Pa.Thangavel, Advocate SR.No.18898

Tr.C.M.P. No.69 of 2018
and
C.M.P.No.2008 of 2018

GN(04/04/2018)