

IN THE HIGH COURT OF JUDICATURE AT MADRAS

RESERVED ON : 23.10.2018

PRONOUNCED ON : 25.10.2018

CORAM

THE HONOURABLE MR.JUSTICE T.RAVINDRAN

Transfer CMP.No.663 of 2018

and

CMP.No.16425 of 2018

P.Anitha

...Petitioner/Respondent

Vs.

Perumal @ K.Senthilkumar

...Respondent/Petitioner

Prayer :- Transfer Civil Miscellaneous Petition has been filed under Section 24 of CPC to withdraw the case in FCOP No.216 of 2018 pending on the file of the Family Court, Salem and transfer the same to the Subordinate Court, Rasipuram to be tried along with HMOP No.113 of 2017.

For Petitioner : Mr.S.Senthilkumar

For Respondent : No appearance
set exparte vide order
dated 23.10.2018

ORDER

The petitioner is the wife. The respondent is the husband.

2.All is not well qua the marital life of the petitioner and the respondent.

3.The petitioner has levied a divorce case against the respondent in HMOP No.113 of 2017 and the same is pending on the file of the Sub-Court, Rasipuram. The respondent has levied FCOP No.216 of 2018 for restitution of conjugal rights against the petitioner and the same is pending on the file of the Family Court, Salem.

4.Seeking transfer of the abovesaid matrimonial proceeding levied by the respondent from Salem Court to Rasipuram Court, the present transfer petition has been laid by the petitioner.

5.Insofar as this matter is concerned, though the respondent had been served, he has not evinced any interest to contest the transfer request of the petitioner and accordingly, he having being called and remaining absent, been set exparte.

6.The petitioner has putforth certain inconvenience and hardship in attending the proceeding at Salem Court, the same has not been repudiated by the respondent.

7.Furthermore, two proceedings are pending concerning the matrimonial issues of the parties in two different forums. In such view of the matter, as rightly putforth, the consolidation of two proceedings and the determination of the same by one and the same Court would be beneficial to both the parties and by way of the same, conflict of decisions could also be avoided. Furthermore, the parties also would be required to adduce common evidence. Therefore, the cause of justice would be advanced, if both the proceedings are clubbed together and determined by one and the same court.

8.For the reasons aforestated, the petitioner has putforth a sufficient cause for accepting the transfer request made by her.

9.Resultantly, FCOP No.216 of 2018 is withdrawn from the file of the Family Court, Salem and transferred to the file of the Sub-Court, Rasipuram for joint trial along with HMOP No.113 of 2017 as per law.

Accordingly, the Transfer Civil Miscellaneous petition is allowed. Consequently, connected CMP No.16425 of 2018 is closed.

Sd/-
Assistant Registrar(CS IX)

//True Copy//

Sub Assistant Registrar

sms

To

- 1.The Family Court, Salem.
- 2.The Subordinate Court, Rasipuram.

+1cc to Mr.S.Senthil Kumar, Advocate, S.R.No.72842

Transfer CMP.No.663 of 2018
and
CMP.No.16425 of 2018

SSV(CO)

rrs 16/11/2018