

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:05.03.2019

CORAM:

THE HONOURABLE MR.JUSTICE M.GOVINDARAJ

Tr.CMP.No.13 of 2019
and
C.M.P.No.554 of 2019

N.Karunya

... Petitioner

Vs.

Ganesan @ Rajasekar

... Respondent

PRAYER: Transfer Civil Miscellaneous petitions filed under section 24 of the Civil Procedure Code, praying to withdraw the H.M.O.P.No.67 of 2018 on the file of the Sub-Court, Vendasandhur and transfer the same to the Family Court, Coimbatore, having competent jurisdiction.

For petitioner : Mr.Govi Ganesan

For Respondent : No appearance

O R D E R

This petition is filed by the petitioner seeking to withdraw H.M.O.P.No.67 of 2018 from file of the Sub-Court, Vendasandhur and transfer the same to the Family Court, Coimbatore.

2.The petitioner is the wife. She filed D.V.A.No.18 of 2018 against the respondent / husband before the Judicial Magistrate Court, Coimbatore. She also filed maintenance petition in M.C.No.179 of 2018 before the Principal Family Court, Coimbatore. The respondent / husband filed a petition in H.M.O.P.No.67 of 2018 for restitution of conjugal rights before the Sub Court, Vendasandhur.

3. Even in the petition filed by the respondent / husband, the address of the petitioner / wife was shown as Coimbatore. The averments made in the petition shows that the respondent / husband is working in a Private Company at Coimbatore. The petition filed by the petitioner / wife was served on the respondent at Coimbatore. Therefore, it is no doubt true that both the parties are living at Coimbatore.

4. Despite service of notice, the respondent has not chosen to appear before this Court.

5. Considering the convenience of both the parties, H.M.O.P.No.67 of 2018 filed by the husband before the Sub Court, Vedasanthur is withdrawn and transferred to the Principal Family Court, Coimbatore. The Principal Family Judge, Coimbatore is directed to renumber the petition, issue notice to both the parties and dispose of the both the petitions as expeditiously as possible.

6. The Transfer Miscellaneous Petition is ordered accordingly. No costs. Consequently, connected civil miscellaneous petition is closed.

Sd/-
Assistant Registrar (CS-VIII)

//True Copy//

Sub Assistant Registrar

bkn

To

1.The Sub Court, Vedasandhur.

2.The Family Court, Coimbatore.

+1 cc to Mr.K.Govi Ganesan, Advocate, S.R.No.20583

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RR(CO)
SSM(08/05/2019).

सत्यमेव जयते

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