

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.06.2019

CORAM

THE HONOURABLE MR. JUSTICE T.RAJA

Tr.C.M.P.No.23 of 2019
and
C.M.P.No.1147 of 2019

Usha

..

Petitioner

versus

Karthikeyan

..

Respondent

Prayer: Petition filed under Section 24 of the Code of Civil Procedure, to withdraw H.M.O.P.No.1587 of 2018 pending on the file of the Family Court, Coimbatore and transfer the same to the file of the Sub Court, Jayankondam, to be tried along with the Petition in H.M.O.P.No.98 of 2018 pending on its file.

For Petitioner : Mr.T.L.Thirumalaisamy

For Respondent : Mr.G.Pavendhan

O R D E R

This Transfer Civil Miscellaneous Petition has been filed under Section 24 of the Code of Civil Procedure, to withdraw H.M.O.P.No.1587 of 2018 pending on the file of the Family Court, Coimbatore and transfer the same to the file of the Sub Court, Jayankondam, to be tried along with the Petition in H.M.O.P.No.98 of 2018 pending on its file.

2. The petitioner is the wife and respondent is the husband. The marriage between the petitioner and respondent was solemnized on 12.09.2010 at Sri S.N.V.Thirumana Mandapam, Coimbatore, as per Hindu rites and customs and on 29.05.2013, they were blessed with a female child. Due to difference of opinion arose between them, the petitioner left the matrimonial home and residing along with her parents at Jayankondam.

3. After leaving the matrimonial home by the petitioner, the respondent has filed a petition in H.M.O.P.No.1587 of 2018 under Section 9 of the Hindu Marriage

Act, 1955, before the Family Court, Coimbatore, for the relief of restitution of conjugal rights. After knowing the particulars of the above case, the petitioner has filed a petition against the respondent in H.M.O.P.No.98 of 2018 under Section 13(1)(i) (i-a) of the Hindu Marriage Act, 1955, before the Sub Court, Jayankondam, for annulling the marriage happened between them on 12.09.2010.

4. The learned counsel for the petitioner submitted that the respondent is a taxi driver, he used to come home after taking heavy drinks and ill-treated the petitioner. He further submitted that the petitioner is also having a female child, aged about 5 1/2 years. In view of the repeated harassment and cruelty caused by the respondent, she has filed a petition for divorce. The respondent has also filed a petition for restitution of conjugal rights in H.M.O.P.No.1587 of 2018. According to the petitioner, she is residing along with her parents at Jayankondam, it is very difficult for her to travel to Coimbatore to attend the Court proceedings along with her child. Therefore, the learned counsel submitted that both the petitions may be tried together.

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

6. It is seen that both the cases i.e., H.M.O.P.Nos.98 of 2018 and 1587 of 2018 are filed by the petitioner and respondent respectively only in respect to their matrimonial life. Hence, the Transfer Civil Miscellaneous Petition is allowed. The petition in H.M.O.P.No.1587 of 2018 is ordered to be withdrawn from the file of the Family Court, Coimbatore and transferred to the file of the Sub Court, Jayankondam. The learned Judge, Family Court, Coimbatore, is directed to transmit all the records pertaining to H.M.O.P.No.1587 of 2018 to the file of the Sub Court, Jayankondam, within a period of two weeks from the date of receipt of a copy of this order. On receipt of records, the learned Subordinate Judge, Jayankondam, is directed to take up both the petitions together i.e., H.M.O.P.Nos.98 of 2018 and 1587 of 2018 and dispose of the same as expeditiously as possible. Consequently, connected Miscellaneous Petition is closed. However, there is no order as to costs.

Sd/-

Assistant Registrar (CS-III)

//True Copy//

Sub Assistant Registrar

sri

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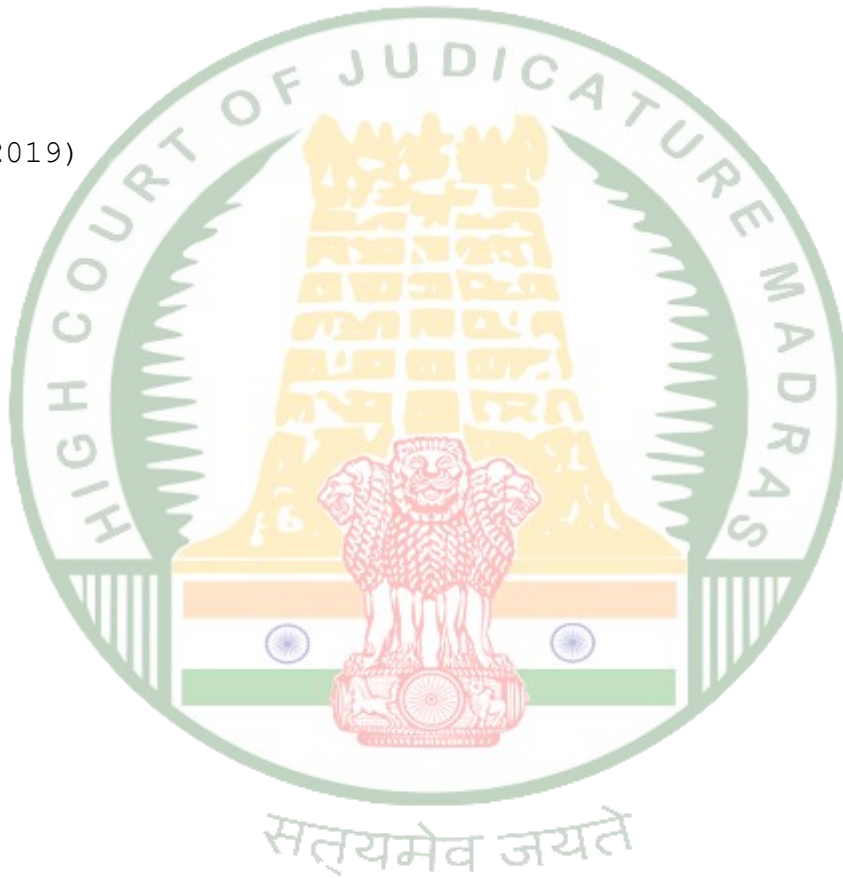
1.The Judge, Family Court, Coimbatore.

2.The Subordinate Judge, Jayankondam.

+1cc to Mr.T.L.Thirumalaisamy, Advocate, S.R.No. 50986

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NRL (CO)
GN (14/08/2019)



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