

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.06.2019

CORAM :

THE HONOURABLE MR. JUSTICE T.RAJA

Tr.C.M.P.No.175 of 2019

and

C.M.P.No.5463 of 2019

M.Srimathi

... Petitioner

Vs.

N.Rameshkannan

... Respondent

Prayer:- Petition has been filed under Section 24 of C.P.C., praying to withdraw the pending case in H.M.O.P.No.177 of 2018 on the file of the Sub Court, Palani, and to transfer the same to the file of the II Additional Sub Court, Coimbatore, to be tried along with H.M.O.P.No.252 of 2017.

For Petitioner : Mr.S.S.Swaminathan

For Respondent : No Appearance

O R D E R

The present Transfer Civil Miscellaneous Petition is filed to withdraw H.M.O.P.No.177 of 2018, pending on the file of the learned Sub Court, Palani, and to transfer the same to the file of the learned II Additional Sub Court, Coimbatore, to be tried along with H.M.O.P.No.252 of 2017 filed by the wife. Although a notice through Court as well as privately was served on the respondent/husband on 15.04.2019, he has not responded to the same.

2. The petitioner is the wife and the respondent is the husband. The above said H.M.O.P.No.177 of 2018 was filed by the respondent/husband seeking for restitution of conjugal rights.

3. Learned counsel for the petitioner/wife submitted that the marriage between the petitioner and the respondent was solemnized on 06.06.2011 as per the Hindu's Rites and Customs and thereafter, they were living together at Coimbatore. It is further stated that as the respondent/husband was not in a regular job, the petitioner's father arranged a job for him at Sakthi Finance Company and he was offered monthly salary of Rs.24,000/-. Despite such arrangement, the respondent/husband stopped

from going to the above said job and thereafter, the respondent/husband demanded the petitioner/wife to get a sum of Rs.5,00,000/- from her father so as to start a business, however, since she had refused to get back the money, he left the matrimonial home on 10.02.2014 and thereafter, he did not turn back. Hence, in view of such humiliation and torture, the petitioner/wife filed the above said H.M.O.P.No.252 of 2012 on the file of the learned II Additional Sub Court, Coimbatore, seeking for divorce. After a period of one year, the respondent/husband also filed H.M.O.P.No.177 of 2018 on the file of the learned Sub-Court, Palani, seeking restitution of conjugal rights. Therefore, the petitioner/wife has filed this petition to transfer the case filed by the husband to the file of the learned II Additional Sub Court, Coimbatore.

4. As stated above, although a notice was served on the respondent/husband on 15.04.2019 itself through Court as well as privately, he has not chosen to appear before this Court and therefore, such an attitude of the respondent clearly shows that he has no objection in transferring the above said H.M.O.P.No.177 of 2018 to the file of the learned II Additional Sub Court, Coimbatore, to be tried along with the case filed by her. Accordingly, H.M.O.P.No.177 of 2018 is withdrawn from the file of the learned Sub Court, Palani, and consequently, transferred to the file of the learned II Additional Sub Court, Coimbatore, to be tried along with the H.M.O.P.No.252 of 2017 filed by the wife. On such transfer, the learned II Additional Sub Court, Coimbatore, shall dispose of both the cases in the manner known to law as expeditiously as possible.

5. With the above direction, the present Transfer Civil Miscellaneous Petition is allowed. Consequently, connected C.M.P.No.5463 of 2019 is closed.

Sd/-

सत्यमेव जयते
Assistant Registrar (CS)

//True Copy//

Sub Assistant Registrar

rkm

To

1.The Subordinate Judge, Palani.

2.II Additional Subordinate Judge, Coimbatore

+1cc to Mr.S.S.Swaminathan , Advocate SR.No. 48734

Tr.C.M.P.No.175 of 2019

and

C.M.P.No.5463 of 2019

A.SK (08/08/2019)