

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 07.06.2019

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

Tr. C.M.P. No.243 of 2019
and C.M.P. No.7229 of 2019

C.Suhaneswari

... Petitioner

-VS-

V.P.Venkatesh

... Respondent

Prayer: Petition filed under Section 24 of C.P.C to withdraw the H.M.O.P. No.25 of 2018 pending on the file of the Principal Subordinate Court, Avinashi and transfer the same to the file of the Family Court, Coimbatore to be tried along with H.M.O.P. No.36 of 2019 pending there.

For Petitioner : M/s.I.Abrar MD Abdullah

For Respondent : No appearance

O R D E R

The Transfer C.M.P. has been filed to transfer the H.M.O.P. No.25 of 2018 pending on the file of the Principal Subordinate Court, Avinashi to the file of the Family Court, Coimbatore to be tried along with H.M.O.P. No.36 of 2019 pending on the file of the Family Court, Coimbatore.

2.Learned counsel appearing for the petitioner would submit that the marriage between the petitioner and the respondent was solemnised on 11.06.2017 at Shri Shankar Mahal, Perumanallur Road, Kunnathur, Tiruppur, as per Hindu Rites and Customs. In support of the prayer, learned counsel appearing for the petitioner pleaded that due to innumerable tortures met out by the petitioner, she was forcibly driven out of the matrimonial home at Kunnathur. Thereafter, she left without any other option staying with her parents at Coimbatore. While so, the respondent filed the H.M.O.P. No.25 of 2018 before the Principal Subordinate Court, Avinashi seeking divorce with false and frivolous allegations against the petitioner. In order to lead the matrimonial life peacefully, the petitioner filed H.M.O.P. No.1258 of 2018 before the Family Court, Coimbatore seeking for restitution of conjugal rights. Learned counsel appearing for the petitioner would further submit that as there was no other persons except the petitioner's parents to support the

petitioner and to accommodate her for travelling from Coimbatore to Avinashi for every hearing, she finds it very difficult to attend the Court at Avinashi, which is about 120 kms. travel from Coimbatore to Avinashi. Therefore, if the H.M.O.P. No.25 of 2018 is transferred to the Family Court, Coimbatore, no prejudice will be caused to the respondent.

3.As per the records maintained by the registry, notice was served on the respondent on 09.04.2019 and private notice has also been taken with the leave of the Court, but none appeared on behalf of the respondent.

4.Taking note of the fact that the petition in H.M.O.P. No.36 of 2019 seeking for restitution of conjugal rights, filed by the petitioner was pending before the Family Court, Coimbatore and although notice has been served on the respondent, no one appeared on his behalf, which shows that the respondent has no objection in allowing the petition, this Court is inclined to transfer the H.M.O.P. No.25 of 2018 pending before the Principal Sub Court, Avinashi to the file of the Family Court, Coimbatore. Accordingly, the Tr. C.M.P. is allowed and the H.M.O.P. No.25 of 2018 pending before the Principal Sub Court, Avinashi is withdrawn and transferred to the file of the Family Court, Coimbatore to be tried along with the H.M.O.P. No.36 of 2019.

5.The Family Court, Coimbatore is directed to take up both the cases and dispose of the same expeditiously in the manner known to law. No costs. Consequently, C.M.P. No.7229 of 2019 is closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

To

1.The Principal Subordinate Court,
Avinashi.

2.The Family Court, Coimbatore.

+1 cc to M/s.I.Abrar Md Abdullah, Advocate, Sr.No. 45764

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CSL/02.07.2019