

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.06.2019

CORAM :

THE HONOURABLE MR. JUSTICE T.RAJA
Tr.C.M.P.No.268 of 2019
and
C.M.P.No.7706 of 2019

G.Adhilakshmi @ Maheswari .. Petitioner/ Respondent

Vs.

P.Selvamani ... Respondent/ Petitioner

Prayer:- Petition has been filed under Section 24 of C.P.C., praying to withdraw and transfer O.P.No.700 of 2019 on the file of the VII Additional Family Court, Chennai, to be tried along with HMOP No.115 of 2018 on the file of the Subordinate Judge, Ambasamudram, Tirunelveli.

For Petitioner : Mr.M.Gopu

For Respondent : Mr.D.N.Dhurgasha

O R D E R

The present Transfer Civil Miscellaneous Petition is filed to withdraw H.M.O.P.No.700 of 2019, from the file of the VII Additional Family Court, Chennai, and to transfer the same to the file of the Sub-Court, Ambasamudram, Tirunelveli, whereby the case filed by the wife in H.M.O.P.No.115 of 2018 is pending.

2. The petitioner is the wife and the respondent is the husband. The above said H.M.O.P.No.700 of 2019 was filed by the respondent/husband seeking for restitution of conjugal rights, and the petitioner/wife also filed a case in H.M.O.P.No.115 of 2018 on the file of the Sub-Court, Ambasamudram, seeking for divorce.

3. In order to settle the issue amicably, this Court, vide its order dated 06.06.2019, directed the parties to appear before the Chamber and accordingly, they have also appeared today, but, they are not willing to go for settlement.

4. Therefore, taking note of the fact that the case filed by the petitioner/wife in H.M.O.P.No.115 of 2018 is pending on the file of the learned Sub-Court, Ambasamudram, this Court deems it fit to allow the prayer of the petitioner requesting to transfer the case filed by her husband from the file of the learned VII Additional Family Court, Chennai, to the file of the learned Sub-Court, Ambasamudram. Accordingly, H.M.O.P.No.700 of 2019 is withdrawn from the file of the learned VII Additional Family Court, Chennai, and transferred to the file of the Sub-Court, Ambasamudram, Tirunelveli, to be tried along with the case filed by the wife in H.M.O.P.No.115 of 2018. On such transfer, the learned Subordinate Judge, Ambasamudram, Tirunelveli, is directed to dispose of both the cases in the manner known to law as expeditiously as possible, preferably within a period of six months from the date of receipt of case bundle.

5. With the above direction, the present Transfer Civil Miscellaneous Petition is allowed. Consequently, connected C.M.P.No.7706 of 2019 is closed.

Sd/-

Assistant Registrar(CS)

//True Copy//

Sub Assistant Registrar

rkm

To

1.VII Additional Family Court, Chennai.

2.Subordinate Judge,
Ambasamudram, Tirunelveli.

+1cc to Mr. D.N.Dhurgasha, Advocate SR.No. 48929

+2ccs to Mr.M.Gopu , Advocate SR.No. 49037

Tr.C.M.P.No.268 of 2019

and

C.M.P.No.7706 of 2019

A.SK(16/07/2019)