

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.07.2019

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

Tr.C.M.P.No.399 of 2019

Nirmaladevi
W/o Balaji

.. Petitioner

-vs-

Dr.B.Balaji

.. Respondent

Transfer Civil Miscellaneous Petition filed under Section 24 of the Code of Civil Procedure to withdraw the H.M.O.P.No.804 of 2018 pending on the file of the learned VI Additional Family Court, Chennai and transfer the same to the Family Court, Coimbatore to try along with H.M.O.P.No.1796 of 2018 on the file of Family Court, Coimbatore.

For Petitioner :: Mr.C.Ramkumar

For Respondent :: Mr.V.Raja Saravanan

ORDER

Mrs.Nirmaladevi, Wife of Dr.B.Balaji, the respondent herein has filed the H.M.O.P.No.1796 of 2018 on the file of the Family Court, Coimbatore under Section 9 of the Hindu Marriage Act seeking for restitution of conjugal rights, whereas the respondent, due to the difference of opinion occurred between them, has filed the H.M.O.P.No.804 of 2018 on the file of the VI Additional Family Court, Chennai for dissolution of marriage. As the respondent has to appear before the Family Court, Coimbatore to contest the petition for restitution of conjugal rights, the H.M.O.P.No.804 of 2018 filed by him on the file of the VI Additional Family Court, Chennai for dissolution of marriage also may be transferred for common disposal.

2. Learned counsel for the respondent submitted that on an earlier occasion, when the petitioner came to this Court with the same prayer in Tr.C.M.P.No.607 of 2018, her request for transfer of the same H.M.O.P., from the VI Additional Family Court, Chennai to the Family Court at Coimbatore was refused on the ground that the petitioner has failed to give the correct address. Now, to create better cause of action, after filing a

petition under Section 9 of the Hindu Marriage Act, the petitioner has come to this Court seeking transfer of the H.M.O.P.No.804 of 2018 from the VI Additional Family Court, Chennai to the Family Court, Coimbatore.

3. But when a query was posed to the learned counsel for the petitioner to show the correct address of the petitioner, Aadhaar card of the petitioner as well as the school identity card of the petitioner's son has been produced before this Court, which reflects the residential address as follows:-

No.87/77, M.A.Palanisamy Street
NSR Road, K.K.Pudur
Saibaba Colony, Coimbatore North
Coimbatore 641 038

Since the address shown in the Aadhaar card and the filing of the H.M.O.P.No.1796 of 2018 under Section 9 of the Hindu Marriage Act for restitution of conjugal rights on the file of the Family Court, Coimbatore supports the case of the petitioner, the H.M.O.P.No.804 of 2018 pending on the file of the learned VI Judge, Family Court, Chennai is withdrawn and transferred to the Family Court, Coimbatore to be tried jointly. The learned Family Court Judge, Coimbatore shall take up both the matters and expedite the disposal of the same on merits. The transfer civil miscellaneous petition stands allowed. Consequently, C.M.P.No.10836 of 2019 is closed.

Sd/-
Assistant Registrar(CO)

//True copy//

Sub Assistant Registrar

ss

To

1. The VI Judge, Family Court, Chennai
 - 2.The Judge, The Family Court Judge, Coimbatore
- +1cc to Mr.C.Ramkumar, Advocate SR.No.61455

Tr.C.M.P.No.399 of 2019

PA(CO)
GMY(20/08/2019)