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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.09.2019

CORAM:

THE HON'BLE MRS.JUSTICE V.BHAVANI SUBBAROYAN

TR.C.M.P.No.398 of 2019  
and  
C.M.P.No.10773 of 2019

Dr.P.Ranjana

... Petitioner/Respondent

Vs.

Dr.S.Santhanam

... Respondent/Petitioner

Transfer Civil Miscellaneous Petition is filed under Section 24 of the Code of Civil Procedure, to withdraw H.M.O.P.No.31 of 2018 pending on the file of the Hon'ble II Additional Subordinate Court, Coimbatore and transfer the same to the file of the Hon'ble Principal Family Court, Coimbatore to be tried jointly along with H.M.O.P.No.9 of 2019.

For Petitioner : Mr.L.Mouli

For Respondent : Mr.M.K.Sasikumar

ORDER

The petitioner has filed this petition, seeking transfer of H.M.O.P.No.31 of 2018 pending on the file of the II Additional Subordinate Court, Coimbatore and to transfer the same to the file of the Principal Family Court, Coimbatore to be tried jointly along with H.M.O.P.No.9 of 2019, filed by the wife/petitioner.

2.The case of the petitioner is that she got married to the respondent on 09.12.2013 at Mariammal Koil Street, West Part Salayar Thirumana Mandapam, Srivilliputhur, Virudhunagar as per Hindu rites and customs. The respondent/husband is a qualified Doctor and was doing post-graduation at Chandigarh. After 6 months, the petitioner joined with the respondent at Chandigarh and thereafter, they were leading matrimonial life at Coimbatore. The petitioner has also completed her fellowship course in Coimbatore and further, the respondent is a neuro surgeon by profession and that he used to be in the hospital for



most of the time and sometimes, the respondent used to come to the house after one week or ten days. Further that, the respondent is workaholic and used to spend money from his pocket for treating his patients. Therefore, there used to be frequent quarrels between the parties.

3. Meanwhile, on 22.02.2018, the petitioner has received a Court notice mentioning that the respondent herein had filed a divorce petition in H.M.O.P.No.31 of 2018 before the II Additional Subordinate Court, Coimbatore. The said H.M.O.P.No.31 of 2018 was filed on 07.02.2018 but, the respondent used to come and reside in the matrimonial home till the service of the summon on 22.02.2018. Hence, the petitioner had filed H.M.O.P.No.9 of 2019 under Section 9 of the Hindu Marriage Act for restitution of conjugal rights before the Family Court, Coimbatore.

4. Since both the petitioner as well as the respondent are doctors and are also residing in Coimbatore, it will be convenient for both of them to appear regarding their respective case before a single Court so that a joint trial can be conducted. Hence, H.M.O.P.No.31 of 2018 pending before the II Additional Subordinate Court, Coimbatore has to be withdrawn and has to be transferred to the Principal Family Court, Coimbatore to be tried along with H.M.O.P.No.9 of 2019, filed by the petitioner/wife.

5. Therefore, this Court is inclined to allow the Transfer Civil Miscellaneous Petition and the II Additional Subordinate Court, Coimbatore is directed to withdraw H.M.O.P.No.31 of 2018 pending before the II Additional Subordinate Court, Coimbatore and transfer the same to the Principal Family Court, Coimbatore to be tried along with H.M.O.P.No.9 of 2019, filed by the petitioner/wife. No costs. Consequently, the connected civil miscellaneous petition is also closed.

Sd/-  
Assistant Registrar

//True Copy//

Sub Assistant Registrar

To

1. The II Additional Subordinate Court,  
Coimbatore.



2.The Principal Family Court,  
Coimbatore.

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+1c to Mr.L.Mouli, Advocate Sr.82681

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BS (CO)  
srg 10/02/2020