

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.08.2019

CORAM :

THE HONOURABLE MR. JUSTICE T.RAJA

Tr.C.M.P.No.439 of 2019

and

C.M.P.No.12408 of 2019

Navinapriya

... Petitioner

Vs.

Palanisamy

... Respondent

Prayer:- Petition has been filed under Section 24 of C.P.C., praying to withdraw F.C.O.P.No.52 of 2019, pending on the file of the Family Court, Erode, and transfer the same to the file of the Subordinate Judge's Court at Mettur to be tried along with the Original Petition in H.M.O.P.No.77 of 2019.

For Petitioner : Mr.P.Valliappan

For Respondent : Mr.S.Kaithamalai Kumaran

O R D E R

The present Transfer Civil Miscellaneous Petition is filed to withdraw F.C.O.P.No.52 of 2019 pending on the file of the learned Family Court, Erode, and to transfer the same to the file of the learned Subordinate Court, Mettur, to be tried along with H.M.O.P.No.77 of 2019 filed by the petitioner/wife.

2. The petitioner is the wife and the respondent is the husband. The above said F.C.O.P.No.52 of 2019 was filed by the respondent/husband seeking for divorce. The petitioner/wife has also filed H.M.O.P.No.77 of 2019 seeking for restitution of conjugal rights on the file of the learned Sub-Court, Mettur.

3. When the matter was taken up on 02.08.2019, this Court, considering the relationship of the parties that the respondent/husband is the petitioner's mother's cousin brother, directed both the parties to appear before me on 21.08.2019 in the chamber for an amicable settlement.

Accordingly, they have appeared today. It is submitted by the petitioner/wife that although she has filed H.M.O.P.No.77 of 2019 seeking restitution of conjugal rights, due to subsequent developments, now their relationship travelled beyond the reunion and therefore, she is not interested in contesting the said HMOP filed by her. It is also submitted by the both parties that they would also file Joint Memo for divorce.

4. As the parties are not ready for reunion, in my considered view, the case filed by the respondent/husband also should be transferred to the file of the learned Sub-Court, Mettur, so as to decide both the cases together in accordance with law. Accordingly, F.C.O.P.No.52 of 2019 filed by respondent/husband is withdrawn from the file of the learned Family Court, Erode, and consequently, transferred to the file of the learned Sub-Court, Mettur, to be tried along with H.M.O.P.No.77 of 2019 filed by the petitioner/wife. On such transfer, the learned Sub-Court, Mettur, shall dispose of both the cases in the manner known to law as expeditiously as possible. With this direction, the Transfer Civil Miscellaneous Petition is allowed. CMP.No.12408 of 2019 is closed.

Sd/-
Assistant Registrar(CS)

//True Copy//

Sub Assistant Registrar

rkm

To

- 1.The Judge,Family Court, Erode.
- 2.The Judge, Sub-Court, Mettur.

+1cc to Mr.P.Valliappan , Advocate SR.No. 72200

+1cc to Mr.S.Kaithamalai KUMaran, Advocate SR.No. 71887

Tr.C.M.P.No.439 of 2019

and

C.M.P.No.12408 of 2019

A.SK(17/10/2019)