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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.07.2019

CORAM :

THE HONOURABLE MR. JUSTICE T.RAJA

Tr.C.M.P.No.625 of 2018

and

C.M.P.No.15326 of 2018

B.Yamini

... Petitioner

Vs.

R.Suresh Babu

... Respondent

Prayer:- Petition has been filed under Section 24 of C.P.C., praying to withdraw H.M.O.P.No.130 of 2017, pending on the file of the Family Court, Thiruvallur, and to transfer the same to the file of the Sub Court, Thiruthani.

For Petitioner : Mr.K.Sarath Kumar

For Respondent : Mr.C.S.Saravanan

O R D E R

The present Transfer Civil Miscellaneous Petition is filed to withdraw H.M.O.P.No.130 of 2017 on the file of the learned Family Court, Thiruvallur, and to transfer the same to the file of the learned Sub-Court, Thiruthani.

2. The petitioner is the wife and the respondent is the husband. The above said H.M.O.P.No.130 of 2017 was filed by the husband seeking divorce. On the other hand, the petitioner/wife has also filed H.M.O.P.No.59 of 2018 on the file of the learned Sub Court, Thiruthani, seeking restitution of conjugal rights.

3. When the matter was taken up on 27.06.2019, this Court, in order to settle the issue amicably, directed both the parties to appear before me 09.07.2019 at 2.15 p.m. in the Chamber. Accordingly, they have appeared before me today in the presence of their respective learned counsel. Although the husband has filed the above said HMOP for divorce, after conciliating him about the importance of parents to the child, he was ready for reunion, however, the wife, despite filing an application for restitution of conjugal rights, has stated that she is ready to live with her husband, provided (a) one of the self-acquired houses of respondent's father should be executed in favour her daughter and (b) her husband has to come and live with her in Chennai leaving his parents at Thiruvallur. In my considered view, such demands of the petitioner/wife do not sound good in a family life.



4. However, taking note of the fact that the petitioner/wife is having a child in her custody and that H.M.O.P.No.59 of 2018 filed by her seeking restitution of conjugal rights is also pending on the file of the learned Sub-Court, Thiruthani, this Court is inclined to allow the prayer of the petitioner/wife. Accordingly, H.M.O.P.No.130 of 2017 filed by the husband is withdrawn from the file of the learned Family Court, Thiruvallore, and consequently, transferred to the file of the learned Sub-Court, Thiruthani, to be tried along with H.M.O.P.No.59 of 2018 filed by the wife. On such transfer, the learned Sub-Court, Thiruthani, shall dispose of both the cases in the manner known to law as expeditiously as possible.

5. With the above direction, the present Transfer Civil Miscellaneous Petition is allowed. Consequently, connected C.M.P.No.15326 of 2018 is closed.

Sd/-
Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

rkm

To

1.The Judge,
Family Court, Thiruvallur.

2.The Subordinate Judge,
Thiruthani.

+1cc to Mr.K.Sarath Kumar, Advocate sr.57618
+1cc to Mr.C.S.Saravanan, Advocate sr.58706

Tr.C.M.P.No.625 of 2018
and
C.M.P.No.15326 of 2018

ev(co)
nr 26/08/2019