

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 22.08.2019

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

Tr.C.M.P.No.545 of 2019 and
CMP.No.15342 of 2019

S.Ananthakrishnan

.. Petitioner

vs.

1. B.Shyamala Savithiri

2. Minor Sivaramakrishnan

.. Respondents

Transfer Civil Miscellaneous Petition filed seeking to withdraw FCMC.No.12 of 2019 pending on the file of the Family Court, Chengalpet and transfer the same to the Subordinate Judge, Tambaram for joint trial along with HMOP.No.505/2019 on the file of the Subordinate Judge, Tambaram.

For Petitioner :Mr.K.Narasimhan

For respondent :Mr.P.M.Duraiswamy

JUDGMENT

This Transfer Civil Miscellaneous Petition has been filed seeking to withdraw the FCMC.No.12 of 2019 pending on the file of the Judge, Family Court, Chengalpet and transfer the same to the file of the learned Subordinate Judge, Tambaram for joint trial along with HMOP.No.505/2019 pending on his file.

2. Heard the learned Counsel on either side.

3. A perusal of the typed set of papers would go to show that the respondents have filed FCMC.No.12/2019 before the Family Court, Chengalpet seeking maintenance of Rs.15,000/- p.m. towards the 1st respondent herein-wife and Rs.20,000/- towards the 2nd respondent child. While so, the petitioner-husband has filed HMOP.No.505/2019 on the file of the learned Subordinate Judge, Tambaram seeking restitution of conjugal rights. Earlier, this Court listed the matter before the Chamber since the petitioner has filed HMOP.No.505/2019 seeking restitution of conjugal rights. When the parties appeared before the Chamber on 05.08.2019 at 2.15 p.m., though the 1st respondent-wife stated that she is not for divorce, but refused to accept reunion.

When there is no petition seeking divorce has been filed by any one of the parties, on the other hand, when the petitioner husband has filed a petition in HMOP.No.505/2019 seeking restitution of conjugal rights, I am inclined to allow the present Transfer Civil Miscellaneous Petition.

4. Accordingly, the Transfer Civil Miscellaneous Petition is allowed. The FCMC.No.12 of 2019 pending on the file of the learned Judge, Family Court, Chengalpet is withdrawn and transferred to the file of the learned Subordinate Judge, Tambaram for joint trial along with HMOP.No.505/2019 pending on his file, filed by the petitioner seeking restitution of conjugal rights, for expeditious disposal on merits. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar(CS-VIII)

//True copy//

Sub Assistant Registrar

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To

1.The Family Court, Chengalpet.

2.The Subordinate Judge, Sub-Court, Tambaram.

+1cc to Mr.K.Narasimhan, Advocate SR.No.73174

+1cc to Mr.P.M.Duraiswamy, Advocate SR.No.72976

Tr.CMP.No.545 of 2019

RGN(CO)
GMV(11/10/2019)