

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.08.2019

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

Tr.C.M.P.No.586 of 2019

A.Manikandan

... Petitioner

-vs-

J.Thulasi Mani

... Respondent

Transfer Civil Miscellaneous Petition filed under Section 24 of the Code of Civil Procedure to withdraw the H.M.O.P.No.100 of 2019 pending on the file of the Family Court, Krishnagiri and transfer the same to the Sub Court, Rasipuram to be tried along with H.M.O.P.No.88 of 2018 on the file of Sub Court, Rasipuram.

For Petitioner :: Mr.T.Dhanyakumar

ORDER

Mr.A.Manikandan, husband of Mrs.J.Thulasi Mani, the respondent herein has come to this Court seeking an order to withdraw the pending H.M.O.P.No.100 of 2019 from the file of the Family Court, Krishnagiri and transfer the same to the Sub Court, Rasipuram to be tried along with H.M.O.P.No.88 of 2018, on the ground that when the marriage took place at Rasipuram on 3.2.2017, the same was also registered at the office of Sub Registrar, Namagiripet on 28.2.2017. Moreover, the respondent is also residing at Bangalore. Hence, instead of filing the petition at Rasipuram, the respondent has deliberately filed the petition at Krishnagiri and the Family Court, Krishnagiri has no territorial jurisdiction.

2. But the pleading in the affidavit filed by the petitioner shows that when the respondent filed H.M.O.P.No.32 of 2018 on the file of Sub Court, Krishnagiri under Section 13(1)(ia)(ib) of the Hindu Marriage Act seeking a decree of divorce, the said petition was administratively transferred to the Family Court, Krishnagiri. Therefore, when the H.M.O.P.No.32 of 2018 filed before the Sub Court, Krishnagiri has been transferred to the Family Court, Krishnagiri and re-numbered as H.M.O.P.No.100 of 2019, this Court, for the sake of convenience to both parties, is inclined to withdraw the H.M.O.P.No.88 of 2018 filed by the

petitioner before the Sub Court, Rasipuram under Section 9 of the Hindu Marriage Act for restitution of conjugal rights and transfer the same to the Family Court at Krishnagiri for common disposal. Hence, the H.M.O.P.No.88 of 2018 filed by the petitioner for restitution of conjugal rights is withdrawn from the file of Sub Court, Rasipuram and transferred to the Family Court, Krishnagiri to be tried jointly with H.M.O.P.No.100 of 2019 filed by the respondent for divorce, on merits. The transfer civil miscellaneous petition is disposed of accordingly.

Sd/-

Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

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To

1. The Subordinate Judge,
Rasipuram.
2. The Family Court Judge,
Krishnagiri.

+lcc to Mr.T.Dhanyakumar, Advocate SR.67281

Tr.C.M.P.No.586 of 2019

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srg 16/09/2019

सत्यमेव जयते

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