IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13/12/2019

C O R A M:

THE HONOURABLE MR.JUSTICE S.VAIDYANATHAN

Tr.C.M.P. No.860 of 2019
and C.M.P. No.23690 of 2019

V.Yamuna ... Petitioner

Vs.

V.Raja ... Respondent

Prayer: Transfer Civil Miscellaneous Petition filed under Section 24 of the Civil Procedure Code, to withdraw H.M.O.P. No.99 of 2019 from the file of Principal Subordinate Court, Tindivanam and transfer the same to the file of II Additional Family Court, Chennai.

For Petitioner : Mr.N.Jayachander
For Respondent : Mr.M.P.Saravanan

ORDER

Petitioner herein/wife has filed H.M.O.P. No.2416 of 2019, which is pending on the file of II Additional Family Court, Chennai. There is also a petition filed by the respondent, for restitution of conjugal rights in H.M.O.P. No.99 of 2019 and the same is pending on the file of Principal Subordinate Court, Tindivanam.

2. It is represented by the learned counsel appearing for the respondent herein that there was a child born to the petitioner and respondent out of the wedlock and that the petitioner did not evince interest to show the child to the respondent herein. When the matter was taken up during the last hearing, it was represented by the counsel appearing for the petitioner/wife that, she has no hesitation to bring the child on any Saturday once in a month to enable the respondent herein to spend time. The respondent has no objection for the matter being transferred to the II Additional Family Court, as he has to attend H.M.O.P. No.2416 of 2019 and it would avoid two appearances in two different courts in a month and that the petitioner herein is willing to bring the child once in a month to enable the respondent to spend time with the child.

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3. The petitioner herein has also filed a Memo today stating that she is agreeable to bring the child Master Kamalesh to the creche at the Family Court, Chennai, for the respondent to see the child, on any Saturday, once in a month, on such time as directed by this Hon'ble Court. The Memo is recorded.

4. Taking note of the submission of both parties and the Memo dated 13.12.2019 filed by the petitioner herein, H.M.O.P. No.99 of 2019 is withdrawn from the file of Principal Subordinate Court, Tindivanam and transferred to the file of II Additional Family Court, Chennai to be tried along with H.M.O.P. No.2416 of 2019 and that the party shall resort to mediation/conciliation, to bring about settlement and that as agreed by the petitioner, the child, will be brought on any one of the Saturdays, namely first or third Saturday in a month, as may be fixed by the Family Court. This court makes it very clear that the matter shall not be adjourned beyond one month, at any point of time, and the hearing shall be fixed on that particular Saturday when the child is going to be brought to the court.

5. With the above directions, the transfer civil miscellaneous petition is ordered. No costs. Consequently, the connected civil miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS)

//True Copy//

Sub Assistant Registrar

Asr

To
1) The Principal Subordinate Judge, Tindivanam
2)The II Additional Family Court, Chennai

+1cc to Mr.I.Siva kumar , Advocate SR.No. 103984

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A.SK(24/01/2020)

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