

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED:05.02.2019

THE HONOURABLE MR.JUSTICE M.GOVINDARAJ

Tr.CMP.No.859 of 2018
and
CMP.No.21291 of 2018

A.Radha
Vs. ... Petitioner

B.Vijayakumar ... Respondent

PRAYER: Transfer Civil Miscellaneous petitions filed under section 24 of the Civil Procedure Code, praying to withdraw and transfer the Restitution of Conjugal Rights Petition in H.M.O.P. No.8 of 2015 on the file of Sub Court, Mettur to Family Court, Coimbatore.

For petitioner : Mr.S.Elango

For respondent : No Appearance

O R D E R

This petition is filed by the petitioner to withdraw and transfer H.M.O.P. No.8 of 2015 filed by the respondent before the Sub Court, Mettur to Family Court, Coimbatore.

2. The petitioner is the wife. According to the petitioner, by fabricating the documents, the respondent has registered the marriage. Against which, she filed a suit in O.S.No.2450 of 2015 and the same is pending on the file of District Munsif Court, Coimbatore.

3. The husband / respondent filed a petition for restitution of conjugal rights, in H.M.O.P.No.8 of 2015, before Sub Court Mettur.

4. On a perusal of the petition filed under Section 9 of the Hindu Marriage Act, it is seen that the respondent is residing at Coimbatore and working as a mason there.

5. This Court ordered notice in the present petition on 04.12.2018. Despite the receipt of notice through the Court as well as privately, the respondent has not chosen to appear before the Court.

6. Considering the convenience of both the parties, H.M.O.P.No.8 of 2015 pending on the file of Sub Court, Mettur is withdrawn and transferred to Family Court, Coimbatore. The learned Judge, Family Court, Coimbatore is directed to renumber the petition and proceed further.

7. This Transfer Civil Miscellaneous Petition is ordered accordingly with the above direction. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

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To

1.The Sub Court,
Mettur

2.The Family Court,
Coimbatore.

+1cc to Mr.S.Elango, Advocate, S.R.No.10527.

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CA(CO)

rrs 22/03/2019