

IN THE HIGH COURT OF JUDICATURE AT MADRAS

JUDGMENT RESERVED ON : 17.12.2018
JUDGMENT PRONOUNCED ON : 28.01.2019

CORAM:

THE HONOURABLE MR. JUSTICE R. PONGIAPPAN
Tr. C.M.P. Nos.802 of 2018 & 924 of 2018
and
CMP.Nos.19776 of 2018 & 22910 of 2018

Tr.CMP.No.802 of 2018 & CMP.No.19776 of 2018 :

N. Suresh @ Pranavsuresh ...Petitioner

Vs

V. Sivapriya @ Saranya ...Respondent

Tr.CMP.No.924 of 2018 & CMP.No.22910 of 2018 :

V. Sivapriya @ Saranya ...Petitioner

Vs

N. Suresh @ Pranavsuresh ...Respondent

Prayer in Tr.C.M.P.No.802 of 2018: Transfer Civil Miscellaneous Petition filed under Section 24 of Code of Civil Procedure to withdraw FCOP No.81 of 2018 from the file of Family Court, Vellore and to transfer the same to Subordinate Court, Poonamallee for joint trial along with HMOP No.253 of 2018.

Prayer in Tr. C.M.P. No.924 of 2018: Transfer Civil Miscellaneous Petition filed under Section 24 of Code of Civil Procedure to withdraw HMOP No.253 of 2018 from the file of Subordinate Court, Poonamallee and to transfer the same to Family Court, Vellore for joint trial along with FCOP No.81 of 2018.

For Petitioner in Tr.CMP.No.802 of 2018 :Mr.N. Sreenivasalu
For Petitioner in Tr.CMP.No.924 of 2018 : Mr.D.Harikrishnan
For Respondent in Tr.CMP.No.802 of 2018 :Mr.D.Harikrishnan
For Respondent in Tr.CMP.No.924 of 2018 : Mr.N. Sreenivasalu

C O M M O N O R D E R

The petitioner in Tr.CMP.No.802 of 2018 is the respondent in FCOP No.81 of 2018, now pending on the file of Family Court, Vellore. He has filed this application under

Section 24 of Code of Civil Procedure for the relief to withdraw the above said FCOP from the file of Family Court, Vellore and to transfer the same to Subordinate Court, Poonamallee for joint trial along with HMOP No.253 of 2018.

2. The petitioner in Tr.CMP.No.924 of 2018 is the respondent in HMOP No.253 of 2018, now pending on the file of Subordinate Court, Poonamallee. She has filed this application under Section 24 of Code of Civil Procedure for the relief to withdraw the above said HMOP from the file of Subordinate Court, Poonamallee and to transfer the same to the Family Court, Vellore for joint trial along with FCOP No.81 of 2018.

3. Admittedly, the petitioners in both the Transfer Civil Miscellaneous Petitions are the husband and wife respectively. Their marriage was solemnized on 30.10.2014 at Chitra Mahal, Vellore, as per Hindu Rites and Customs. After the marriage, both of them were leading their life in Vellore along with the parents of the husband. After some time from the date of marriage, due to the difference of opinion arose between the husband and wife, the wife left her matrimonial home and residing with her parents at Pattabiram, Chennai. After leaving the matrimonial home by wife, she has filed an application against her husband for the relief of restitution of conjugal rights. The said application has been pending with the Family Court, Vellore in FCOP No.81 of 2018. On the other hand, the husband has also filed an application against his wife for the relief of divorce. The said application has been pending with Subordinate Court, Poonamallee in HMOP No.253 of 2018.

4. In the said circumstances, both of them have prayed this Court by way of filing these Transfer Civil Miscellaneous Petitions for the prayer sought for in the 1st paragraph of this Order. Eventhough, both the husband and wife have raised so many allegations against each other, the same has to be dealt with only by the trial Court at the time of Trial. However, to day when these petitions are taken up for hearing, the counsels appearing for the husband and wife are present and represented that if the petition mentioned cases are transferred to Subordinate Court, Arakonam, it will be convenient for both the husband and wife for effective participation of Court proceedings. In this regard, both of them made an endorsement to that effect in the respective petitions.

5. Accordingly, now considering the representations submitted by either side counsels, it is true that the Subordinate Court, Arakonam is situated in between Poonamallee and Vellore. Also, this Court considering the prayer sought for by either side counsels, this Court is inclined to dispose of these petitions with the following directions.

- a) Both the petition mentioned cases i.e FCOP No.81 of 2018 pending on the file of Family Court, Vellore and HMOP No.253 of 2018 pending on the file of Subordinate Court, Poonamallee are ordered to be transferred to Subordinate Court, Arakonam.
- b) The Presiding Officer of the Family Court, Vellore and the Subordinate Judge, Poonamallee are directed to transmit the respective case bundles to the Subordinate Judge, Arakonam, within a period of two weeks from the date of receipt of copy of this order.
- c) Since so many litigations are pending between the husband and wife, this Court decided to issue some directions to the Subordinate Judge, Arakonam. On receipt of the records from the respective Courts, the Subordinate Judge, Arakonam is directed to dispose of both the cases within a period of 6 months.
- d) Further, it is left open to the Subordinate Judge, Arakonam to decide the necessity of joint trial or simultaneous trial.

Accordingly, these petitions are disposed of. No costs. Subsequently, connected miscellaneous petitions are closed.

Sd/-
Deputy Registrar

//True Copy//

Sub Assistant Registrar

vrn

To

1.The Family Court, Vellore

2.The Subordinate Court, Poonamallee

3.The Subordinate Court, Arakonam

+2cc to Mr.D.Harikrishnan, Advocate, S.R.No.5101 & 5102

+3cc to Mr.N.Sreenivasalu, Advocate, S.R.No.5102,4718,4718

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and
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GSP (15/02/2019)