

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED: 28.06.2019

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

Tr.C.M.P.No.844 of 2018 and
CMP.No.20880 of 2018

P.N.Saranya

.. Petitioner

vs.

P.N.Nareshbabu

.. Respondent

Civil Miscellaneous Appeal filed under Section 24 of C.P.C. seeking to withdraw the Proceedings in H.M.O.P.No.79 of 2018 pending on the file of the Sub-Court, Ponneri and transfer the same to the file of the VI Additional Family Court, Chennai to be tried together with HMOP.No.4486 of 2018.

For Petitioner : Mr.N.R.Anantha Ramakrishnan

For respondent : Mr.M.Jagan

JUDGMENT

The present Transfer Civil Miscellaneous Petition has been filed seeking to withdraw the Proceedings in H.M.O.P.No.79 of 2018 pending on the file of the Sub-Court, Ponneri and transfer the same to the file of the VI Additional Family Court, Chennai to be tried together with HMOP.No.4486 of 2018.

2. Learned Counsel appearing for the petitioner submitted that the petitioner-wife has filed a petition under Section 9 of the Hindu Marriage Act, 1955 seeking restitution of conjugal rights on the file of the learned VI Additional Family Court, Chennai whereas the respondent-husband has filed HMOP.No.79/2018 on the file of the Sub-Court, Ponneri seeking divorce under Section 13(1) (i-a) of the Hindu Marriage Act, 1955. The petitioner is residing in Chennai whereas the respondent is also residing in Chennai and carrying on his profession by running a Medical Shop at Meenjur along with his father. Therefore, seeks a direction to withdraw the HMOP.No.79/2018 pending on the file of the Sub-Court, Ponneri and transfer the same to the learned VI Additional Family Court, Chennai to be tried along with HMOP.No.4486/2018.

3. Learned Counsel for the respondent has no serious objection for the same.

4. Considering the fact that the petitioner has filed HMOP.No.4486/2018 before the learned VI Additional Family Court, Chennai, seeking restitution of her conjugal rights and she is ready and willing to stay with the respondent husband, this Court is inclined to withdraw HMOP.No.79/2018 pending on the file of the Sub-Court Ponneri and accordingly withdrawing the same, ordering to transfer the same to the learned VI Additional Family Court, Chennai to be tried along with HMOP.No.4486/2018.

5. With the above direction, the Transfer Civil Miscellaneous Petition is allowed. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar(Insp.Cell)

//True Copy//

Sub Assistant Registrar

tsi

To

1. The Subordinate Judge,
Sub-Court, Ponneri.
2. The Judge,
VI Additional Family Court,
Chennai.

+1cc to Mr.M.Jagan, Advocate, S.R.No.53730

+1cc to Mr.N.R.Anantha Rama Krishnan, S.R.No.54171

सत्यमेव जयते

Tr.CMP.No.844 of 2018

RRS (13/08/2019)

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