



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 18.06.2019

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

Tr. C.M.P. No.902 of 2018
and C.M.P. No.22249 of 2018

S.Priyanka

... Petitioner

-vs-

S.Pranesh

... Respondent

Prayer: Petition filed under Section 24 of C.P.C to withdraw the H.M.O.P. No.107 of 2018 pending on the file of the Subordinate Court, Pollachi and transfer the same to the file of the Additional Family Court at Coimbatore to be tried along with H.M.O.P. No.1278 of 2018.

For Petitioner : Mr.Abrar Mohamed Abudllah I.

For Respondent : Mr.S.Shankar

O R D E R

The Transfer C.M.P. has been filed to transfer the H.M.O.P. No.107 of 2018 pending on the file of the Subordinate Court, Pollachi to the file of the Additional Family Court, Coimbatore to be tried along with H.M.O.P. No.1278 of 2018 pending on the file of the Additional Family Court, Coimbatore.

2.Learned counsel appearing for the petitioner would submit that the marriage between the petitioner and the respondent was solemnised on 09.03.2017, as per Hindu Rites and Customs. In support of the prayer, learned counsel appearing for the petitioner pleaded that after the marriage, the respondent and the petitioner lived in India for about one month and then proceeded to Mexico, as the respondent has been working at Mexico. After some time, they came back to India and the respondent left the petitioner and went back to Mexico. Due to difference of opinion arose between the petitioner and the respondent, the respondent filed a petition in H.M.O.P. No.107 of 2018 before the Subordinate Court, Pollachi seeking for the



WEB COPY

relief of divorce with false and frivolous allegations against the petitioner. In order to lead the matrimonial life peacefully, the petitioner filed H.M.O.P. No.1278 of 2018 before the Additional Family Court, Coimbatore seeking restitution of conjugal rights.

3.Learned counsel appearing for the petitioner would further submit that as the petitioner is now living with her parents at K.K.Pudur, Coimbatore, it is difficult for her to travel to Pollachi for every hearing and the distance between Coimbatore and Pollachi is about 60 kms. and the family members of the respondent are also living in Coimbatore and therefore, if the H.M.O.P. No.107 of 2018 is transferred to the Additional Family Court, Coimbatore, no prejudice will be caused to the respondent.

4.Taking note of the fact that the petition in H.M.O.P. No.1278 of 2018 seeking for restitution of conjugal rights, filed by the petitioner was pending before the Additional Family Court, Coimbatore and the family members of both the petitioner and respondent are residing at Coimbatore, this Court is inclined to transfer the H.M.O.P. No.107 of 2018 pending before the Subordinate Court, Pollachi to the file of the Additional Family Court, Coimbatore. Accordingly, the Tr. C.M.P. is allowed and the H.M.O.P. No.107 of 2018 pending on the file of the Subordinate Court, Pollachi is withdrawn and transferred to the file of the Additional Family Court, Coimbatore to be tried along with H.M.O.P. No.1278 of 2018.

5.The Additional Family Court, Coimbatore is directed to take up both the cases and dispose of the same expeditiously in the manner known to law. No costs. Consequently, C.M.P. No.22249 of 2018 is closed.

Sd/-

Assistant Registrar (CS-III)

//True Copy//

Sub Assistant Registrar

vga

To

1.The Subordinate Judge,
Pollachi.



2.The Additional Family Judge, Coimbatore.

+1cc to Mr.Abrar Md Abdullah, Advocate, S.R.No. 49905

WEB COPY

Tr. C.M.P. No.902 of 2018
and C.M.P. No.22249 of 2018

RSV(CO)
GN(05/08/2019)