

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.02.2019

CORAM:

THE HONOURABLE MR.JUSTICE M.GOVINDARAJ

TR CMP NOS.850 OF 2018, 94 AND 96 OF 2019
AND CMP NOS.20971 OF 2018, 3379 AND 3392 OF 2019

TR.CMP NO.850 / 2018

Neha ... Petitioner
versus
Chanakya D Metha ... Respondent

PRAYER: Petition filed under Section 24 of the Code of Civil Procedure with a prayer to withdraw the petition in H.M.O.P.No.1434 of 2018 pending on the file of Additional Family Court, Coimbatore and to transfer the same to the file of Family Court, Erode to be tried along with F.C.O.P.No.275 of 2018 pending on the file of Family Court, Erode.

For Petitioner : Mr.S.Kaithamalai Kumaran
For Respondent : Mr.P.Saravana Sowmiyan

TR.CMP NOS.94 & 96 / 2019

Chanakya D Metha ... Petitioner
in both Tr.CMPs'
versus

Neha ... Respondent
in both Tr.CMPs'

PRAYER: Petitions filed under Section 24 of the Code of Civil Procedure with a prayer to withdraw the petition O.S.No.18 of 2018 and FCOP No.275 of 2018 pending on the file of Family Court, Erode and transfer to the Family Court, Coimbatore to be tried along with H.M.O.P.No.1434 of 2018.

For Petitioner : Mr.P.Saravana Sowmiyan
For Respondent : Mr.S.Kaithamalai Kumaran

COMMON ORDER

The petitioner in Tr.C.M.P.No.850 of 2018 / wife filed FCOP No.275 of 2018 before the Family Court, Erode for restitution of conjugal rights. She has also filed a plaint in O.S.No.18 of 2018 before the same Court seeking maintenance. As a counter blast to the same, the respondent / husband filed H.M.O.P.No.1434 of 2018 before the Additional Family Court, Coimbatore, seeking divorce on medical grounds. The petitioner/wife now seeks transfer of H.M.O.P.No.1434 of 2018 filed by the husband from Additional Family Court, Coimbatore to Family Court, Erode.

2. Likewise, the husband filed Tr.C.M.P.Nos.94 and 96 of 2019 to withdraw FCOP No.275 of 2018 and O.S.No.18 of 2018 from the file of Family Court, Erode and transfer the same to Additional Family Court, Coimbatore.

3. All the cases are taken up together for hearing and final disposal. On perusing the materials, it is seen that the husband has alleged some mental illness on the wife as one of the grounds for divorce. If that be the case, it is a fit case for transfer from Coimbatore to Erode, where the wife resides.

4. Accordingly, H.M.O.P.No.1434 of 2018 pending on the file of Family Court, Coimbatore is withdrawn and transferred to Family Court, Erode, to be tried along with F.C.O.P.No.275 of 2018 and O.S.No.18 of 2018 pending before the same Court.

5. The respondent/husband is given liberty to file appropriate application before the Trial Court, to dispense with his personal appearance, on the normal dates of hearing, subject to the condition that he would appear on all the effective dates of hearing. In case, any such application is filed, the same shall be considered and disposed of by the learned Trial Judge, taking into account the difficulties projected by the petitioner.

6. All the Transfer Civil Miscellaneous Petitions are disposed of accordingly. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (CS-VIII)

//True Copy//

Sub Assistant Registrar

TK

To

1.The Family Court
Erode.

2.The Additional Family Court
Coimbatore.

+lcc to Mr.S.Kaithamalai Advocate, S.R.No. 14486

+lcc to Mr.P.Saravana Sowmiyan, Advocate, S.R.No. 15000

TR CMP NOS.850 OF 2018, 94
AND 96 OF 2019

SAI(CO)
GN(11/03/2019)



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