

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.07.2020

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

Tr.C.M.P.No.73 of 2020

D.Maheswari

.. Petitioner

-vs-

R.Ashok Kumar

.. Respondent

Transfer Civil Miscellaneous Petition filed under Section 24 of the Civil Procedure Code, to withdraw the H.M.O.P.No.1 of 2020 on the file of the Principal Family Court, Coimbatore and transfer the same to the IV Additional Family Court, Chennai to be tried along with O.P.No.3251 of 2019.

For Petitioner :: Mr.P.Vennitharan

For Respondent :: No appearance

ORDER

Heard learned counsel for the petitioner through video conferencing due to the Covid-19 pandemic.

2. The petitioner, Mrs.D.Maheswari married Mr.R.Ashok Kumar, the respondent herein. After sometime, due to difference of opinion between them, the petitioner filed O.P.No.3251 of 2019 seeking dissolution of marriage on the ground of mental cruelty and desertion on the file of the IV Additional Family Court at Chennai. The respondent was set ex parte on 18.10.2019 and the Court posted the case for ex parte evidence on 19.11.2019. On the same day, the respondent filed a petition to set aside the ex parte order and the same is also pending. Although the petitioner was working as Deputy Manager, Business Solution, Mobius Knowledge Services Private Limited, in view of the mental agony suffered by the petitioner, she left her employment on 28.6.2019. Whereas the respondent is working for Jayachandran Group of Companies as a Sales and Marketing Coordinator. As a counter blast to the O.P.No.3251 of 2019, the respondent has filed H.M.O.P.No.1 of 2020 seeking restitution of conjugal rights before the Principal Family Court, Coimbatore. Therefore, she has prayed for transfer of the said case to the IV Additional Family Court, Chennai to be tried along with O.P.No.3251 of 2019.

3. Although service of notice was complete on the respondent, none has appeared. That shows that the respondent has no objection for allowing the transfer civil miscellaneous petition. Secondly, after the petitioner filed O.P.No.3251 of 2019 for dissolution of marriage before the IV Additional Family Court, Chennai on the ground of cruelty and desertion, the respondent has filed H.M.O.P.No.1 of 2020 before the Principal Family Court, Coimbatore for restitution of conjugal rights. Therefore, considering the balance of convenience in favour of the petitioner, the transfer civil miscellaneous petition stands allowed and the H.M.O.P.No.1 of 2020 is withdrawn from the Principal Family Court, Coimbatore and transferred to the IV Additional Family Court at Chennai for an expeditious disposal on merits along with O.P.No.3251 of 2019. Consequently, C.M.P.No.2417 of 2020 is closed.

Sd/-
Assistant Registrar

//True copy//

Sub Assistant Registrar

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To

1. The Principal Judge,
Family Court,
Coimbatore
2. The IV Additional Judge,
Family Court,
Chennai

+1cc to Mr.M.Balasubramanian, Advocate SR.No.2557

Tr.C.M.P.No.73 of 2020

MP (CO)
GMY (14/08/2020)

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