

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.07.2020

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THE HONOURABLE MR.JUSTICE T.RAJA

Tr.C.M.P.No.76 of 2020

V.Bharathi

.. Petitioner/Respondent

-vs-

S.Suresh

.. Respondent/Petitioner

Prayer: Transfer Civil Miscellaneous Petition filed under Section 24 of the Civil Procedure Code, to withdraw the H.M.O.P.No.89 of 2019 on the file of the Sub Court, Mettupalayam and transfer the same to the Principal Family Court, Coimbatore.

For Petitioner :: Mrs.V.S.Usharani

For Respondent :: Mr.R.Nagasundaram

ORDER

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

2. The petitioner-Mrs.V.Bharathi, Wife of Mr.S.Suresh, the respondent herein has come to this Court seeking withdrawal of the H.M.O.P.No.89 of 2019 from the file of the Sub Court, Mettupalayam and transfer the same to the Principal Family Court, Coimbatore, wherein the H.M.O.P.No.1778 of 2019 filed by the petitioner under Section 9 of the Hindu Marriage Act for restitution of conjugal rights is pending, for expeditious disposal.

3. It is at this moment, Mr.R.Nagasundaram, learned counsel appearing for the respondent stated that the respondent/husband has also filed a petition under the Guardian and Wards Act seeking for custody of the child before the Principal Family Court, Coimbatore.

4. Secondly, learned counsel appearing for the petitioner also pleaded that the petitioner is having a girl child, who is now aged 3 ½ years. She also argued that since the H.M.O.P.No.89 of 2019 has been filed by the respondent before the Sub Court, Mettupalayam for divorce, taking advantage of the fact that the presence of the parties is not necessary, the matter is dragged on endlessly. Therefore, if the said case is transferred to the Principal Family Court, Coimbatore, it can be tried along with H.M.O.P.No.1778 of 2019 filed by the petitioner for restitution of conjugal rights.

5. Considering the fact that the H.M.O.P.No.1778 of 2019 filed by the petitioner under Section 9 of the Hindu Marriage Act for restitution of conjugal rights is pending before the Principal Family Court, Coimbatore, it will be proper and ideal for both parties to sort out the issues before the Principal Family Court, Coimbatore. Therefore, the transfer civil miscellaneous petition stands allowed and the H.M.O.P.No.89 of 2019 filed by the respondent for divorce on the ground of cruelty, is withdrawn from the file of Sub Court, Mettupalayam and transferred to the file of Principal Family Court, Coimbatore for expeditious disposal on merits along with H.M.O.P.No.1778 of 2019. Consequently, C.M.P.No.2524 of 2020 is closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

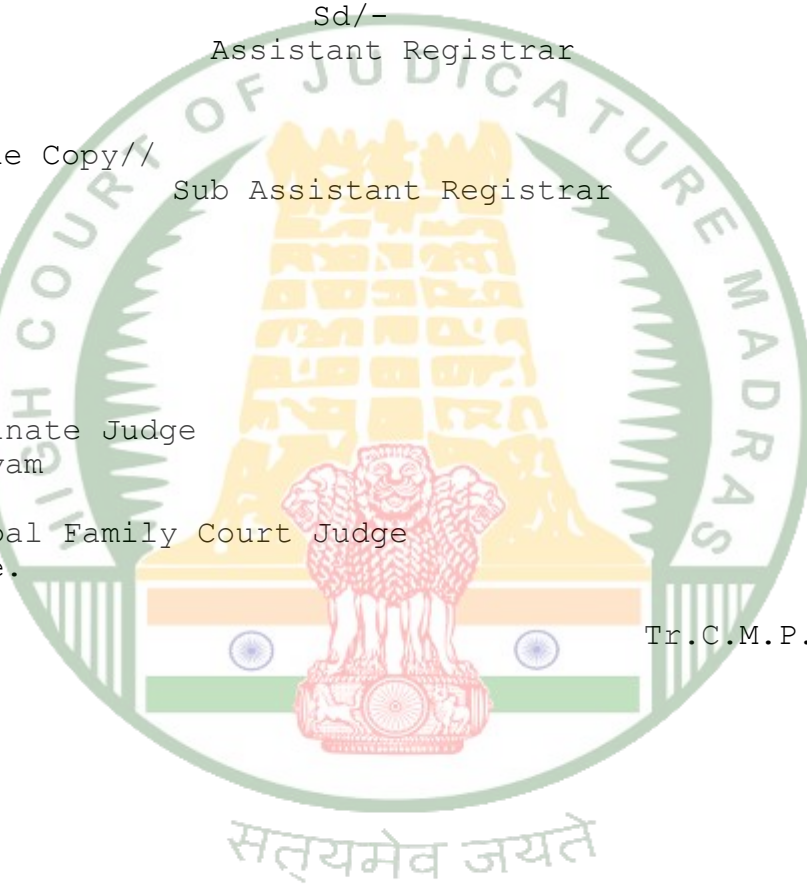
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To

1. The Subordinate Judge
Mettupalayam
2. The Principal Family Court Judge
Coimbatore.

Tr.C.M.P.No.76 of 2020

SSV(CO)
CB(06/08/2020)



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