

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.11.2020

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

Tr.C.M.P.No.491 of 2020

K.Guna

W/o Dhilip Seshan

..Petitioner/Petitioner

-vs-

Dhilip Seshan

S/o Prabhahar

..Respondent/Respondent

Transfer Civil Miscellaneous Petition filed under Section 24 of the Civil Procedure Code, to withdraw the M.O.P.No.244 of 2019 pending on the file of Family Court, Pondicherry and transfer the same to the Sub Court at Chidambaram for joint trial along with H.M.O.P.No.52 of 2019.

For Petitioner :: Mr.J.Ravikumar

For Respondent :: Mrs.Nivedita Ganesan

ORDER

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

2. The petitioner, Mrs.K.Guna, Wife of Mr.Dhilip Seshan, the respondent herein has once again come to this Court renewing her prayer for withdrawal of the M.O.P.No.244 of 2019 from the file of the Family Court, Pondicherry and transfer the same to the file of the Sub Court at Chidambaram, which was filed by the respondent/ husband seeking dissolution of marriage under Section 13(1)(ia) of the Hindu Marriage Act on the ground of cruelty, since this Court in the earlier Tr.C.M.P.No.455 of 2019 vide order dated 18.10.2019, dismissed the said writ petition as withdrawn on the ground that the H.M.O.P.No.52 of 2019 filed by the petitioner/wife was allowed ex parte and there was no need for transferring the matter.

3. Learned counsel appearing for the petitioner submitted that since the H.M.O.P.No.52 of 2019 has been now restored to the file of the Sub Court, Chidambaram at the instance of the

respondent/husband, the petitioner has been advised to come to this Court.

4. It is at this stage, Mrs.Nivedita Ganesan, learned counsel taking notice on behalf of the respondent/husband, on instructions, fairly stated that her client has no objection for allowing the prayer of the petitioner for withdrawal of the M.O.P.No.244 of 2019 from the file of the Family Court, Pondicherry and transferring the same to the file of the Sub Court, Chidambaram for a joint trial along with H.M.O.P.No.52 of 2019.

5. Recording the consent given by the learned counsel appearing for the respondent on instructions, the transfer civil miscellaneous petition stands allowed and the M.O.P.No.244 of 2019 is withdrawn from the file of the Family Court, Pondicherry and transferred to the file of the Sub Court, Chidambaram to be tried along with H.M.O.P.No.52 of 2019 filed by the petitioner/wife seeking restitution of conjugal rights. On receipt of the transferred case bundle, the learned Subordinate Judge, Chidambaram is directed to try both the matters together and dispose of the same on their own merit and in accordance with law, within a period of six months from the date of receipt of a copy of this order. Consequently, C.M.P.No.12317 of 2020 is closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

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To

1. The Judge, Family Court Judge
Pondicherry

2. The Subordinate Judge
Chidambaram

3.The Section Officer,
VR Section, High Court, Madras-104.

+1 cc to M/s.J.Ravikumar, Advocate Sr.No. 36471

Tr.C.M.P.No.491 of 2020

KK(CO)
RMP(08/12/2020)