

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.11.2020

CORAM

THE HONOURABLE MR.JUSTICE T. RAJA

TR.C.M.P. No. 474 of 2020

&

C.M.P. No. 11610 of 2020

Valarmathi

..Petitioner

Vs.

Vivekandhan

..Respondent

Prayer: Petition to withdraw H.M.O.P. No. 72 of 2020 on the file of the Additional Subordinate Judge, Kallakurichi and transfer the same to the file of the Family Court at Cuddalore, to be tried jointly along with H.M.O.P. No. 207 of 2020.

For Petitioner :: Mr.P. Suresh Babu

For Respondent :: No appearance

O R D E R

The petitioner, Tmt. Valarmathi, has filed H.M.O.P. No. 207 of 2020 against her husband/the respondent herein before the Family Court, Cuddalore, under Section 9 of Hindu Marriage Act, 1955 for restitution of conjugal rights. On the other hand, the respondent herein/husband has filed H.M.O.P. No. 72 of 2020 before the Additional Sub Court, Kallakurichi seeking divorce. Since the Additional Sub Court, Kallakurichi is about 100 Kms from Cuddalore, the petitioner has come before this Court seeking transfer of H.M.O.P. No. 72 of 2020 from the file of Additional Sub Court, Kallakurichi to the file of Family Court, Cuddalore, where H.M.O.P. No. 207 of 2020 is pending, for a joint trial.

2. The learned counsel for the petitioner would state that after the solemnisation of the marriage between the petitioner and the respondent on 30.10.2017 at Sri Chidambareswarar Temple, Kallakurichi, as per Hindu rites and customs, they were blessed with a male child on 23.09.2018 and the child was named as Sanjay. As the respondent/husband is working as a medical representative in Pondicherry, it would not be difficult for him to travel from Pondicherry to Cuddalore and therefore, according to the learned counsel, no prejudice will be caused to him if

H.M.O.P. No. 72 of 2020 is transferred to the file of Family Court, Cuddalore.

3. Eventhough service is completed, the respondent has not chosen to appear before this Court either in person or through counsel. This shows that he has no objection for allowing the transfer of H.M.O.P. No. 72 of 2020 from the file of Additional Sub Court, Kallakurichi to the file of Family Court, Cuddalore where H.M.O.P. No. 207 of 2020 for restitution of conjugal rights is pending so that both the matters can be taken up together.

4. Considering the balance of convenience of both sides, this Court hereby withdraws H.M.O.P. No. 72 of 2020 from the file of Additional Sub Court, Kallakurichi and transfers the same to the file of Family Court, Cuddalore. On such transfer, the learned Judge, Family Court, Cuddalore, is directed to hear both the matters, namely, H.M.O.P. Nos. 207 of 2020 and 72 of 2020 and pass a common order on merits.

5. The Transfer C.M.P is accordingly allowed. No costs. Connected C.M.P. is closed.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

To

1. The Additional Sub Court,
Kallakurichi.

2. The Family Court, Cuddalore.

+1cc to Mr.P.Suresh Babu, Advocate, S.R.No.37414

Tr.C.M.P. No. 474 of 2020

SS(CO)
RV(18/12/2020)

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