

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.01.2020

CORAM:

THE HONOURABLE MR.JUSTICE S.VAIDYANATHAN

TR.C.M.P.No.948 of 2019

and C.M.P.No.25801 of 2019

R.Mahalakshmi

... Petitioner/Respondent

-vs-

A.Raju

... Respondent/Petitioner

PRAYER: Petition is filed under Section 24 of Code of Civil Procedure to withdraw the proceedings in F.C.O.P.No.908 of 2018 on the file of the Hon'ble II Additional Family Court, Chennai and transfer the same to the file of Principal Sub Court, Tenkasi to try along with H.M.O.P.No.95 of 2018 on the file of the learned Principal Sub Court, Tenkasi.

For Petitioner : Mr.M.Velmurugan
For Respondent : Mr.V.Anand
For Mr.S.Babu

O R D E R

The present petition has been filed to transfer the case in F.C.O.P.No.908 of 2018 on the file of the II Additional Family Court, Chennai to the file of Principal Sub Court, Tenkasi to be tried along with H.M.O.P.No.95 of 2018 on the file of the learned Principal Sub Court, Tenkasi.

2. When the matter is taken up for hearing, the petitioner / wife has submitted that the respondent / husband had filed a petition in F.C.O.P.No.908 of 2018 before the II Additional Family Court, Chennai for annulment of the marriage and she had filed a petition in H.M.O.P.No.95 of 2018 on the file of the learned Principal Sub Court, Tenkasi for restitution of conjugal rights. It is represented by both the parties that in order to arrive at an amicable settlement or to bring the issue to a logical conclusion, both F.C.O.P.No.908 of 2018 and H.M.O.P.No.95 of 2018 could be transferred to the Subordinate Court, Tirunelveli.

3. In view of the above submissions, the Transfer Civil Miscellaneous Petition is allowed, with a direction to the learned II Additional Family Court Judge, Chennai to transfer the case in F.C.O.P.No.908 of 2018 to the file of the Subordinate Court, Tirunelveli within a period of two weeks from the date of receipt of a copy of this order. Though the parties sought for transfer of H.M.O.P.No.95 of 2018 pending on the file of the Principal Sub Court, Tenkasi to the Subordinate Court, Tirunelveli, this Court cannot issue such direction mechanically in the absence of any petition to that effect before this Court and if any such petition is filed to that effect, the same would be decided at that point of time. It is open to the parties to file a petition for transfer of H.M.O.P.No.95 of 2018 to the file of Subordinate Court, Tirunelveli. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar

// True Copy//

Sub Assistant Registrar

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To:

- 1.The II Additional Family Court Judge,
Chennai.
- 2.The Principal Sub Judge,
Tenkasi.

+1cc to Mr.M.Velmurugan, Advocate, SR.No.504.

NMI (CO)
CSR: 18.02.2020

सत्यमेव जयते

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