

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.09.2015

CORAM

THE HONOURABLE THIRU JUSTICE D.HARIPARANTHAMAN

Tr.C.M.P.No.325 of 2014 &
M.P.No.1 of 2014

M.P.Muthuraj

... Petitioner

v.

J.Bala

... Respondent

Tr.C.M.P. filed under section 24 of C.P.C., to withdraw H.M.O.P.No.80 of 2011 on the Sub-Court, Sangari, Salem District and transfer the same to Family Court, Coimbatore.

For Petitioner : Mr.N.Chinnaraj

For Respondent : Mr.N.Manokaran

O R D E R

The petitioner is the husband of the respondent. The petitioner filed HMOP No.80 of 2011 on the file of Sub-Court, Sankari for dissolution of marriage. The petitioner has filed the above Transfer C.M.P. to withdraw H.M.O.P.No.80 of 2011 from the file of Sub-Court, Sangari and to transfer the same to the Family Court, Coimbatore, where he resides.

2. The learned counsel for the respondent/wife states that pending HMOP, the respondent filed G.W.O.P.No.60 of 2012 on the file of I Additional District Court, Salem seeking custody of the minor son.

3. Taking note of section 19(iii-a) of the Hindu Marriage Act and in view of well settled law that in matrimonial disputes, preference should be given to the wife, I am not inclined to transfer H.M.O.P.No.80 of 2011 from Salem to Coimbatore.

4. On the other hand, in order to meet the ends of justice, I am inclined to transfer HMOP No.80 of 2011 from the file of Sub-Court, Sangari to I Additional District Court, Salem, where, G.W.O.P.60 of 2012 filed by the petitioner is stated to be pending, so that the parties would have a joint trial.

5. Accordingly, a direction is issued to transfer HMOP No.80 of 2011 from the file of Sub-Court, Sangari to the file of I Additional District Court, Salem to be tried along with G.W.O.P.No.60 of 2012.

The Transfer C.M.P is disposed of accordingly. No costs.
Consequently, connected miscellaneous petition is closed.

Sd/-
Asst.Registrar (CO)

/true copy/

Sub Asst. Registrar

svki

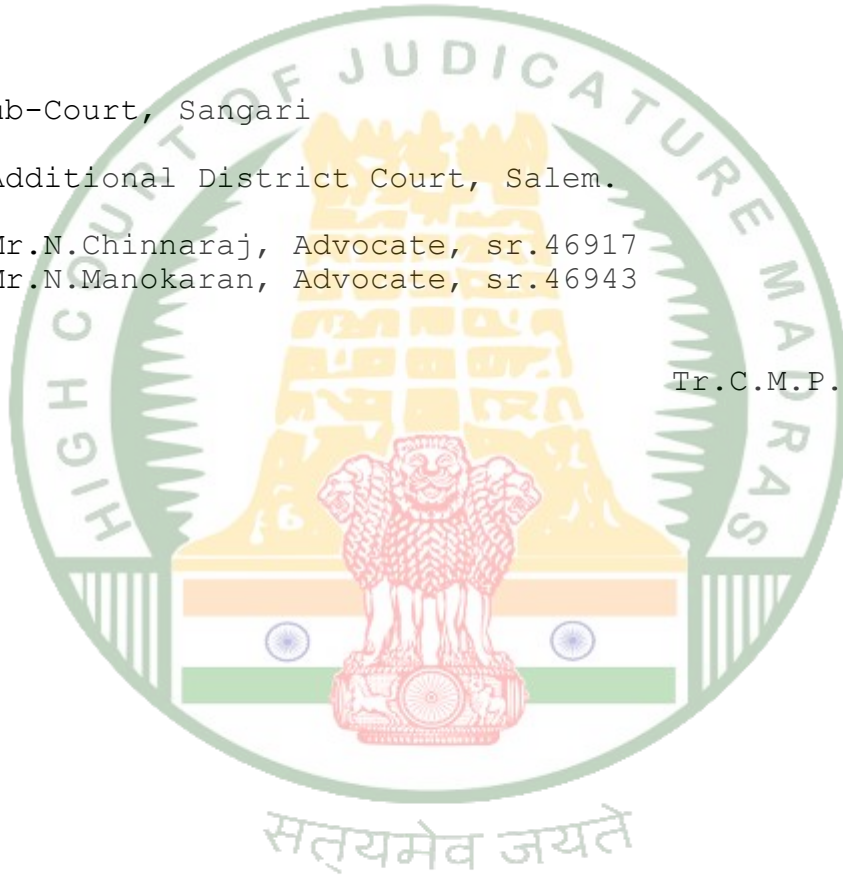
To

1. The Sub-Court, Sangari
2. The I Additional District Court, Salem.

+1 cc to Mr.N.Chinnaraj, Advocate, sr.46917
+1 cc to Mr.N.Manokaran, Advocate, sr.46943

Tr.C.M.P.No.325 of 2014

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