

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.12.2015

CORAM :

THE HONOURABLE MS. JUSTICE R.MALA

Tr.C.M.P. No.425 of 2014
and M.P.No.1 of 2014

V.Archanadevi

... Petitioner

Vs.

S.Manoj

... Respondent

Prayer:- Petition has been filed under Section 24 of C.P.C., praying, to withdraw H.M.O.P.No.218 of 2013 pending on the file of the Sub Court, Pollachi and transfer the same to the Family Court, Salem for joint trial and disposal along with F.C.O.P.No.184 of 2014 pending therein.

For Petitioner : Mr.T.P.Manoharan

For Respondent : Mr.G.K.Ilanthiraiyan
for M/s.Sai Bharath and Ilan

O R D E R

The petitioner/wife, who is the respondent in H.M.O.P.No.218 of 2013, has filed this petition to transfer H.M.O.P.No.218 of 2013 pending on the file of the Sub Court, Pollachi, to the file of the Family Court, Salem where she filed the petition for restitution of conjugal rights in F.C.O.P.No.184 of 2014.

2.Heard the learned counsel for the petitioner and the learned counsel for the respondent.

3.Learned counsel for the petitioner/wife submitted that the respondent/husband filed a petition for divorce on the ground of

cruelty in H.M.O.P.No.218 of 2013 on the file of the Sub Court, Pollachi and then, the petitioner/wife filed a petition for restitution of conjugal rights in F.C.O.P.No.184 of 2014 on the file of the Family Court, Salem. He further submitted that since the petitioner/wife is residing within the jurisdiction of Salem, it is very difficult for her to attend the Court at Pollachi for each and every hearing. He further submitted that in order to avoid multiplicity of proceeding and conflicting of judgment, he pray to transfer the case in H.M.O.P.No.218 of 2013 from the file of the Sub Court, Pollachi and transfer the same to the Family Court, Salem to be tried along with F.C.O.P.No.184 of 2014.

4.The learned counsel for the respondent/husband has also fairly conceded that both the cases are to be tried jointly and he has no objection to transfer the petition in H.M.O.P.No.218 of 2013, as sought for by the petitioner.

5.Recording the no objection given by the learned counsel for the respondent and in order to avoid multiplicity of proceeding and conflicting of judgment, I am inclined to order transfer. The Presiding Officer, Sub Court, Pollachi, is directed to transmit all the records pertaining to H.M.O.P.No.218 of 2013 to the Family Court, Salem, within a period of fifteen days from the date of receipt of a copy of this order for joint trial along with F.C.O.P.No.184 of 2014 pending on its file.

6.Accordingly, this Transfer Civil Miscellaneous Petition is ordered. No costs. Consequently, connected Miscellaneous Petition is closed.

-sd-

Assistant Registrar

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Sub-Assistant Registrar

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To

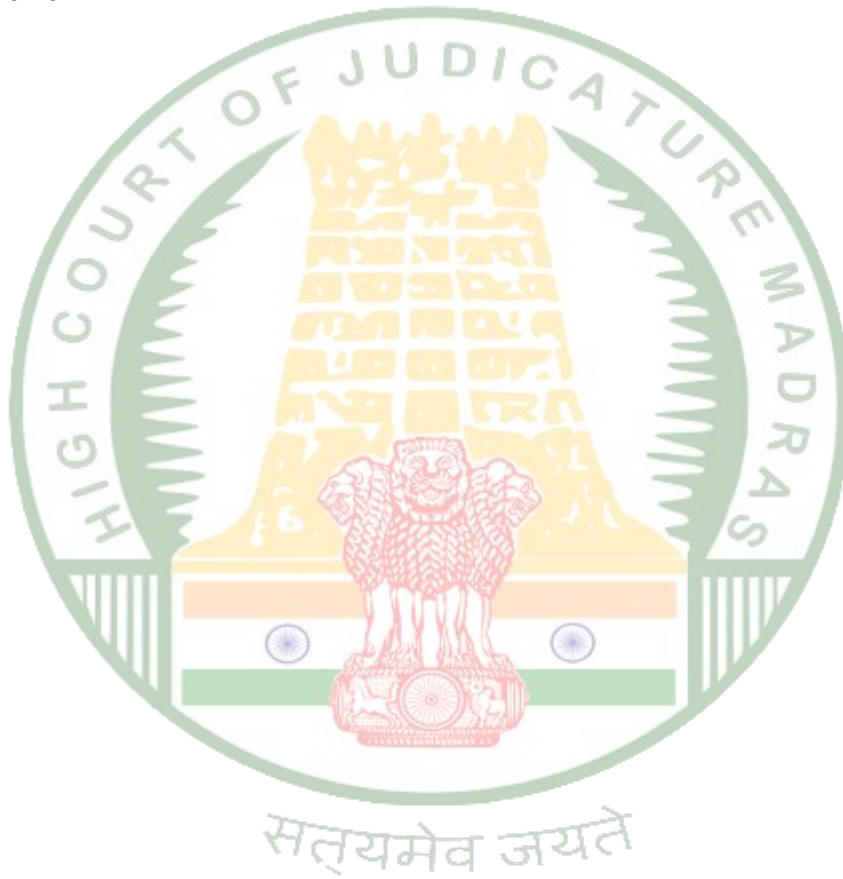
1.The Presiding officer sub court,
Pollachi.

2.The Family Court, Salem.

+1 C.C.TO M/S. T.P.Manoharan, Advocate SR.NO. 66643.

Tr.C.M.P. No.425 of 2014
and M.P.No.1 of 2014

AK (CO)
SL 29/12/2015



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