

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.12.2015

CORAM :

THE HONOURABLE MS.JUSTICE R.MALA

Tr.C.M.P.No.395 of 2015
and M.P.No.1 of 2015

B.Padmapriya

.. Petitioner

Vs.

Dr.S.Varadharajan

.. Respondent

Prayer:- Petition is filed under Section 24 of C.P.C., to withdraw the F.C.O.P.No.38 of 2015 on the file of the learned Family Court, Salem and to transfer the same to the learned Sub Court, Bhavani, Erode District or to the learned Family Court, Erode.

For Petitioner : Mr.N.Manokaran

For Respondent : Mr.A.Thiyagarajan

O R D E R

The petitioner/wife, who is the respondent in F.C.O.P.No.38 of 2015 on the file of the learned Family Court, Salem, has come forward with this transfer petition to transfer the same to the file of the learned Family Court, Erode, where she filed Guardian O.P.No.99 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 in F.C.O.P.No.38 of 2015 for divorce before the Family Court, Salem. But whereas the petitioner/wife filed a petition in G.O.P.No.99 of 2014 on the file of the District Court, Salem. Subsequently, the said G.O.P.No.99 of 2014 was transferred to the Family Court, Erode. He would further submit that in order to avoid conflicting of judgments, the petitioner/wife filed this petition to transfer F.C.O.P.No.38 of 2015 from the file of the Family Court, Salem to the file of the Family Court, Erode.

4.Learned counsel for the respondent/husband submitted that he has no objection to transfer the petition in F.C.O.P.No.38 of 2015 as sought for by the petitioner.

5. Recording the no objection given by the learned counsel for the respondent, I am inclined to order transfer. Accordingly, the petition in F.C.O.P.No.38 of 2015 is ordered to be withdrawn from the file of the Learned Family Court, Salem, and transferred to the file of the Family Court, Erode, for joint trial along with G.O.P.No.99 of 2014 pending on its file. The Presiding Officer, Family Court, Salem, is directed to transmit all the records pertaining to F.C.O.P.No.38 of 2015 to the file of the Family Court, Erode, within a period of fifteen days from the date of receipt of a copy of this order.

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

sms

s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

To

1. The Judge, Family Court, Salem.

2. The Judge, Family Court, Erode.

+ 1 cc to Mr.N.Manokaran, Advocate SR 65469

+ 1 cc to Mr.A.Thiyagarajan, Advocate SR 65437

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