

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.10.2015

CORAM

THE HONOURABLE MR.JUSTICE D.HARIPARANTHAMAN

Tr.C.M.P.No.641 of 2015
and
M.P.No.1 of 2015

M.Sathya

... Petitioner

vs.

C.Sudhakaran

... Respondent

Transfer petition has been filed to withdraw and transfer H.M.O.P.No.60 of 2013 on the file of Subordinate Court, Bhavani to the Family Court, Erode to be tried along with H.M.O.P.No.189 of 2015 on the file of Family Judge, Erode.

For petitioner : Mr.V.Raghavachari

For Respondent : Mr.C.Prakasam

ORDER

The petitioner is the wife and the respondent is the husband. The petitioner/wife has filed this application seeking to withdraw and transfer the H.M.O.P.No.60 of 2013 on the file of Subordinate Court, Bhavani to the Family Court, Erode to be tried along with HMOP 189 of 2015 on the file of Family Judge, Erode.

2. The learned counsel for the respondent submits that already trial has commenced in H.M.O.P.No.60 of 2013 and the counter affidavit to the aforesaid effect is also filed. It is stated that originally the husband filed H.M.O.P.No.141 of 2012 on the file of Sub Court, Mettur and the same was transferred to the Sub Court, Bhavani at the instance of the petitioner/wife and the same was re-numbered as H.M.O.P.No.60 of 2013. Hence, the petitioner cannot

again seek for transfer. Secondly, it is submitted that already trial has commenced in H.M.O.P.No.60 of 2013.

3. In view of the aforesaid facts, I am not inclined to issue any direction as prayed for by the petitioner. Accordingly, the Transfer Civil Miscellaneous Petition fails and the same is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS II)

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Sub Assistant Registrar

vsm

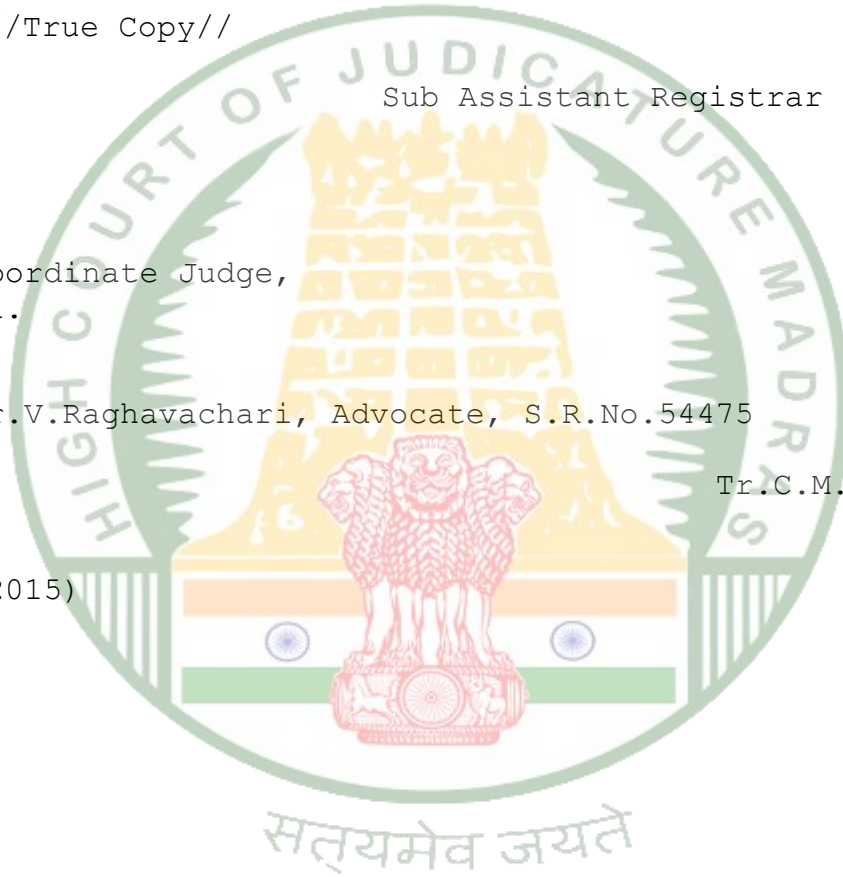
To

1. The Subordinate Judge,
Bhavani.

+1cc to Mr.V.Raghavachari, Advocate, S.R.No.54475

Tr.C.M.P.No.641 of 2015

KK(CO)
CA(15/10/2015)



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