



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 04.06.2015
CORAM

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

Tr.C.M.P(MD)No.347 of 2014 and
M.P(MD)No.1 of 2014

G.Kirubakaran

... Petitioner

Vs.

J.Subashini

... Respondent

Transfer Civil Miscellaneous Petition is filed under Section 24 of Civil Procedure Code to withdraw the case in H.M.O.P.No.174 of 2014 pending on the file of the learned Subordinate Judge, Pudukkottai and transfer the same to the Principal Subordinate Court, Trichy.

For Petitioner : Mr.C.M.Arumugam
For Respondent : Mr.T.Senthilkumar

ORDER

The Transfer Civil Miscellaneous Petition is filed to withdraw the case in H.M.O.P.No.174 of 2014 pending on the file of the learned Subordinate Judge, Pudukkottai and transfer the same to the Principal Subordinate Court, Trichy.

2.The petitioner herein is the husband and the respondent is the wife of the petitioner. The marriage was solemnized between the petitioner and the respondent on 22.08.2010 as per Hindu Rites and Customs. A male child was born on 28.07.2011, in the wedlock. Due to misunderstanding and dispute, the petitioner filed HMOP.No.23 of 2014, before the Sub Court, Ponnamallee, for divorce. The respondent filed Tr.CMP(MD).No.128 of 2014 before this Court to transfer H.M.O.P.No.23 of 2014 from the Sub-Court, Ponnamallee to the Sub-Court, Pudukkottai. By the order dated 04.08.2014, this Court transferred H.M.O.P.No.23 of 2014 from the file of the Sub-Court, Ponnamallee to the file of the Principal Subordinate Court, Trichy. After the order passed by this Court, the respondent filed H.M.O.P.No.174 of 2014 before the Sub-Court, Pudukkottai, for restitution of conjugal rights.

3.According to the petitioner, due to misunderstanding, the petitioner filed H.M.O.P.No.23 of 2014, for divorce and now, it is pending before the Sub-Court, Trichy, as per the order of this Court. The Subject matter of the issue and the question to be decided in both H.M.O.P is one and the same. Therefore, both the H.M.O.Ps have to be tried in the same Court to avoid conflicting judgments and to avoid multiplicity of proceedings.

4.In such circumstances, the petitioner filed this petition to transfer the case in H.M.O.P.No.174 of 2014 filed by the respondent on the file of the learned Subordinate Judge, Pudukkottai to the Principal Subordinate Court, Trichy.



5.The learned counsel appearing for the respondent has no objection to transfer H.M.O.P.No.174 of 2014 filed by the respondent/wife on the Subordinate Court, Pudukkottai to the Principal Subordinate Court,Trichy, and he has also made an endorsement to that effect.

6.Recording the no objection made by the learned counsel for the respondent, this Transfer Civil Miscellaneous Petition is allowed and H.M.O.P.No.174 of 2014 on the file of the Subordinate Court, Pudukkottai, is hereby withdrawn and transferred the same to the file of the Principal Subordinate Court, Trichy. The learned Sub Judge, Pudukkottai, is directed to send the case bundles to the Principal Subordinate Court, Trichy, immediately. The Registry is also directed to send back the papers that are pending before the Registry. No costs. Consequently, M.P(MD)No.1 of 2014 is closed.

The learned Principal Subordinate Judge, Trichy is directed to dispose of both the H.M.O.Ps as expeditiously as possible in any event not later than 31.01.2016.

Sd/-
Assistant Registrar(Per.Admn.)

/True copy/

Sub Assistant Registrar

To

1.The Subordinate Judge,
Pudukkottai.

2.The Principal Subordinate Judge,
Trichy.

Copy to:

The Section Officer,
VR Section,
Madurai Bench of Madras High Court,
Madurai.

+1cc to Mr.T.Senthil Kumar,Advocate SR.No.27698

+1cc to Mr.C.M.Arumugam,Advocate SR.No.27889

Tr.C.M.P(MD)No.347 of 2014 and
M.P(MD)No.1 of 2014
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