

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.11.2016

CORAM:

THE HON'BLE MR.JUSTICE K.K.SASIDHARAN

Tr. C.M.P.No.133 of 2015
and
M.P.No.1 of 2015

Jeevitha

... Petitioner

Versus

Sakthivel

... Respondent

Transfer Civil Miscellaneous Petition filed under Section 24 of C.P.C. praying to withdraw H.M.O.P.No.17 of 2013 on the file of the Sub-Court at Neyveli and transfer the same to the file of the Family Court at Coimbatore.

For Petitioner : Mr.S.Sithirai Anandam

For Respondent : Mr.P.Mani

ORDER

The Transfer Civil Miscellaneous Petition is filed by the respondent in H.M.O.P.No.17 of 2013 on the file of the Sub Court at Neyveli.

2. When the matter was taken up for hearing, the learned counsel appearing for the respondent filed a memo dated 01.11.2016 indicating that the respondent is not pressing the original petition in H.M.O.P.No.17 of 2013.

3. According to the learned counsel for the respondent, it was only on account of pendency of the Transfer Petition and interim order granted by this Court, the Trial Court was not permitting the respondent to withdraw the original petition.

4. The learned counsel for the petitioner fairly submitted that the petitioner has no objection in permitting the respondent to withdraw the proceedings in H.M.O.P.No.17 of 2013.

5. The respondent is given liberty to file an application before the Trial Court to withdraw the proceedings in H.M.O.P.No.17 of 2013. In case such an application is made, the same shall be considered and allowed by the Trial Court, in view of the submission made on behalf of the petitioner that she has no objection.

6. Since the respondent contemplates to withdraw the original petition, nothing survives for adjudication in the Transfer Civil Miscellaneous Petition. The Transfer Civil Miscellaneous Petition is dismissed as infructuous. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(J)

//True Copy//

Sub Assistant Registrar

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To

The Sub Judge,
Neyveli.

Copy To

The Judge,
Family Court,
Coimbatore.

+1cc to Mr.S.Sithirai Anandam, Advocate, S.R.No.63068

+1cc to Mr.P.Mani, Advocate, S.R.No.62249

Tr. C.M.P.No.133 of 2015

AK(CO)
CA(29/11/2016)

सत्यमेव जयते

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