

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16.11.2016

CORAM:
THE HONOURABLE MR.JUSTICE K.K.SASIDHARAN

TR CMP NO.397 OF 2015
AND MP NO.1 OF 2015

S.Arivazhagan ... Petitioner
Versus
Gayathri ... Respondent

PRAYER: Petition filed under Section 24 of the Civil Procedure Code with a prayer to withdraw the H.M.O.P.No.146 of 2013 pending on the file of the Principal Subordinate Court, Perambalur and transfer the same to Family Court at Chennai or to any other Competent Court.

For Petitioner : Mr.K.Selvarangan

For Respondent : Mr.P.Chandrasekar

O R D E R

The petitioner initiated a proceedings in H.M.O.P.No.2803 of 2010, before the Family Court, Chennai praying for a decree of divorce.

2. The respondent, on the other hand, initiated a proceedings in H.M.O.P.No.482 of 2010, before the Principal Subordinate Court, Trichy, for restitution of conjugal rights.

3. Subsequently, the respondent moved this Court in Tr.CMP Nos.108 of 2011 and 259 of 2013 for transfer. This Court passed an order dated 17 July 2013 transferring the matrimonial proceedings to the Subordinate Court, Perambalur, where the proceedings are now pending.

4. The petitioner has come up with this petition for withdrawing the proceedings in H.M.O.P.No.146 of 2013, which was renumbered, pursuant to the order dated 17 July 2013 in Tr.CMP Nos.108 of 2011 and 259 of 2013.

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

6. The learned counsel for the respondent submitted that the respondent is staying at Trichy and as such it would be easy for her to defend the proceedings in case the matter

is transferred to the Family Court at Trichy.

7. The learned counsel for the petitioner on instructions submitted that the petitioner would be satisfied in case the matter is transferred to Trichy.

8. In view of the consensus arrived at among the parties, H.M.O.P.No.146 of 2013 is withdrawn from the file of Principal Subordinate Court, Perambalur and is transferred to the file of Family Court, Trichy.

9. Similarly, the proceedings initiated by the respondent in H.M.O.P.No.482 of 2010, which was transferred to the Principal Subordinate Court, Perambalur, pursuant to the order dated 17 July 2013 in Tr.CMP Nos.108 of 2011 and 259 of 2013, is also withdrawn and transferred to the Family Court at Trichy.

10. In the result, the proceedings in H.M.O.P.No.146 of 2013 and H.M.O.P.No.482 of 2010 are withdrawn from the file of Principal Subordinate Court, Perambalur and are transferred to the file of Family Court at Trichy, for disposal.

11. The Transfer Civil Miscellaneous Petition is disposed of with the above direction. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

To

1. The Principal Subordinate Court
Perambalur.

2. The Family Court
Trichy.

+2 cc Mr.P.Chandrasekar, Advocate SR.NO..66408

TR CMP NO.397 OF 2015

co (vd)
CP 29/12/2016