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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.01.2016

CORAM :

THE HONOURABLE MS. JUSTICE R.MALA

Tr.C.M.P.No.9 of 2015

and

M.P.No.1 of 2015

K.S.Priyanka

... Petitioner

Vs.

M.Muthukumar

... Respondent

Prayer:- Petition filed under Section 24 of C.P.C., praying to withdraw H.M.O.P.No.346 of 2013 on the file of Subordinate Court, Tambaram and transfer the same to III Additional Family Court, Chennai to try along with M.C.No.393 of 2013.

For Petitioner : Mr.M.Madhan Kumar

For respondent : Dr.R.Sampath Kumar

O R D E R

Heard the arguments of the learned counsel appearing for the petitioner and the respondent.

2. The respondent/husband filed H.M.O.P.No.346 of 2013 on the file of Sub Court, Tambaram seeking divorce. The wife also filed M.C.No.393 of 2013 under Section 125 of Cr.P.C., seeking maintenance before the III Additional Family Court, Chennai. Now, this Tr.C.M.P., has been filed by the wife seeking to withdraw and transfer H.M.O.P.No.346 of 2013 pending on the file of Sub Court, Tambaram to III Additional Family Court, Chennai, stating that she is now residing with her parents at Perambur and her child is only 7 months old, as such, she is unable to attend hearings at Sub Court, Tambaram.

3. Heard the learned counsel appearing for the respondent, who submits that the respondent/husband has no objection for granting the prayer as sought for by the petitioner/wife.

4. Considering the arguments put forth by the learned counsel appearing for the petitioner and on perusal of the typed set of papers, this Court deems it fit to order



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withdrawal of H.M.O.P.No.346 of 2013 pending on the file of Sub Court, Tambaram and transfer it to the file of III Additional Family Court, Chennai to try it along with M.C.No.393 of 2013 and dispose of the same in accordance with law.

5. Accordingly, H.M.O.P.No.346 of 2013 is ordered to be withdrawn from the file of the Sub Court, Tambaram and transferred to the file of the III Additional Family Court, Chennai for disposal in accordance with law. The Subordinate Judge, Tambaram, is directed to transmit the records pertaining to H.M.O.P.No.346 of 2013 to the file of the III Additional Family Court, Chennai, within a period of 15 days from the date of receipt of a copy of this order. On receipt of the material papers, the III Additional Family Court, Chennai, is directed to conduct joint trial of H.M.O.P.No.346 of 2013 and M.C.No.393 of 2013 and dispose of the matters within a period of three months thereafter.

6. In the result, this Transfer Civil Miscellaneous Petition is ordered. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

nvsri

To

1. The III Additional Family Court,
Chennai.
2. The Subordinate Judge,
Tambaram.

+2cc's to Mr.M.Madhan Kumar, Advocate, S.R.No.1577
+1cc to Mr.R.Sampath Kumar, Advocate, S.R.No.1127

Tr.C.M.P.No.9 of 2015

PA(CO)
CA(04/02/2016)