

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25.10.2016

CORAM:

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

Tr.C.M.P.No.909 of 2015
and M.P.No.1 of 2015

G.Vijayalakshmi

... Petitioner

Versus

R.Elango

... Respondent

Transfer Civil Miscellaneous Petition filed under Section 24 of C.P.C. praying to withdraw H.M.O.P.No.1287 of 2014 filed by the respondent from the Family Court at Coimbatore, and to transfer the same to the learned Family Court, Dharmapuri.

For Petitioner : Mr.R.Vijendran
For Respondent : Mr.R.Krishna Prasad
for M/s.Sarvabhauman Asso.

ORDER

The respondent initiated a proceedings in H.M.O.P.No.1287 of 2014 praying for a decree of dissolution of marriage between the parties. The said proceedings is pending before the Family Court, Coimbatore.

2. The petitioner, who is a resident of Dharmapuri, has come up with this petition for Transfer on the ground that connected Guardian Original Proceedings in G.W.O.P.No.61 of 2015 is pending on the file of the Family Court at Dharmapuri and as such, the connected proceedings also should be transferred to the said court.

3. The learned counsel for the respondent, submitted that it would not be possible for the respondent to travel from Coimbatore to Dharmapuri along with his minor child to defend the proceedings in H.M.O.P.No.1287 of 2014.

4. There are two proceedings now pending before two different courts. The proceedings in G.W.O.P.No.61 of 2015 is pending before the Family Court, Dharmapuri, transferred pursuant to the order dated 08.10.2015 in Transfer Petition No.549 of 2015. It would be in the interest of both the

parties to have both the matters tried by a particular Court instead of prosecuting two matters before two different Courts. Moreover, the petition filed by the petitioner herein in H.M.O.P.No.15 of 2015 under Section 9 of the Hindu Marriage Act, 1955, is also pending before the Family Court at Dharmapuri. I am therefore of the view that the proceedings in H.M.O.P.No.1287 of 2014 deserves to be transferred to the Family Court at Dharmapuri.

5. The proceedings in H.M.O.P.No.1287 of 2014 is withdrawn from the file of Family Court at Coimbatore and is transferred to the Family Court, Dharmapuri for disposal along with G.W.O.P.No.61 of 2015 and H.M.O.P.No.15 of 2015.

6. The respondent is given liberty to file an application before the Trial Court to dispense with his personal appearance on the normal dates of hearing, subject to the condition that he would appear on all the effective dates of hearing and co-operate for an early disposal of the matter. In case, any such an application is filed, the same shall be favourably considered by the learned Trial Judge, taking into account the residence of the respondent and minor child at Coimbatore.

7. The Transfer Civil Miscellaneous Petition is allowed as indicated above. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

To

1. The Family Court,
Coimbatore

2. The Family Court,
Dharmapuri.

+1cc to M/S.Sarvabhauman Associates, Advocate Sr.60864
+1cc to M/S.P.Vijendran, Advocate SR.61373

Tr.C.M.P.No.909 of 2015

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srg 24/11/2016