

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17.06.2016

CORAM

THE HONOURABLE MR.JUSTICE C.T.SELVAM

Civil Revision Petition (PD) No.1726 of 2016

and

C.M.P.No.9196 of 2016

R.Thirumoorthy
S/o.Ranganathan

... Petitioner

vs

V.T.Sivagami
W/o.Thirumoorthy

... Respondent

Civil Revision Petitions filed under Article 227 of the Constitution of India against the order of learned Principal District Judge, Erode, passed in Tr.O.P.No.9 of 2016 on 08.03.2016.

For Petitioner : Mr.I.C.Vasudevan

ORDER

This revision arises against the order of learned Principal District Judge, Erode, passed in Tr.O.P.No.9 of 2016 on 08.03.2016.

2. Respondent/wife filed H.M.O.P.No.269 of 2011 on the file of Sub Court, Erode, seeking divorce and on transfer to Family Court, Erode, case was re-numbered as H.M.O.P.No.34 of 2014. Petitioner/husband filed O.S.No.388 of 2013 on the file of learned I Additional Sub Judge, Erode, seeking the relief of injunction. Petitioner/husband filed Tr.O.P.No.9 of 2016 on the file of learned Principal District Judge, Erode, seeking transfer of O.S.No.388 of 2013 on the file of learned I Additional Sub Judge, Erode, to the file of Family Court, Erode, to be tried along with H.M.O.P.No.34 of 2014. The Court below, under the impugned order, dismissed such petition. Hence, this revision.

3. Heard learned counsel for petitioner.

4. In dismissing the petition, the Court below has informed that the divorce petition filed by respondent/wife is at the stage of cross-examination of the petitioner and the suit filed by petitioner/husband is at the stage of arguments. The issues to be decided in the divorce petition and suit are different and the adjudication are also at different stage. In such circumstances, though the petitioner and respondent are husband and wife, it found no need for transfer of proceedings. This Court finds no error in the order under challenge.

The Civil Revision Petition, accordingly, is dismissed. No costs.

Consequently, connected miscellaneous petition is closed.

17.06.2016

Index:yes/no
Internet:yes
gm

To

The Principal District Judge,
Erode.

C.T.SELVAM, J

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