

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29.03.2016

CORAM

THE HONOURABLE MR. JUSTICE P.R.SHIVAKUMAR

Tr.C.M.P.No.199 of 2016

&

C.M.P.No.5568 of 2016

R.Selva Dhakshina Murthy
represented by his father and Power Agent
Mr.C.Ramamoorthy
No.9, Selliamman Kovil Street
Manjakuppam
Cuddalore - 607 001
Cuddalore District. ..Petitioner/Respondent

Vs.

Shalini Gupta ..Respondent/Respondent

Transfer Civil Miscellaneous Petition filed under Section 24 of the Code of Civil Procedure to withdraw M.O.P.No.357 of 2015 filed by the respondent on the file of the Family Court, Pondicherry to the file of the Principal Sub-Court, Cuddalore and try the same along with H.M.O.P.No.40 of 2013 filed by the petitioner.

For Petitioner : Mr.K.Rajkumar

ORDER

This petition has been filed for the transfer of H.M.O.P.No.357 of 2015 pending on the file of the Family Court, Puducherry to the file of the Principal Sub-Court, Cuddalore to be tried along with H.M.O.P.No.40 of 2013.

2. H.M.O.P.No.40 of 2013 was filed by the husband and the other H.M.O.P was filed by the wife when the H.M.O.P filed by the husband was in the argument stage. In stead of filing a petition for transfer, the petitioner could have very well approached the Family Court, Puducherry to stay the H.M.O.P

filed by the wife under Section 10 r/w. Section 151 CPC. The transfer of H.M.O.P pending in the Family Court, Puducherry, which is in the pleading stage to be tried along with O.P pending on the file of the Sub-Court, Cuddalore will cause unnecessary delay of the disposal of H.M.O.P.No.40 fo 2013, which is in the argument stage.

Hence, this Transfer Civil Miscellaneous Petition is dismissed. The learned Principal Subordinate Judge, Cuddalore is directed to hear the H.M.O.P No.40 of 2013, which is in the argument stage and dispose of the same as early as possible, in any event, not later than three months from the date of receipt of a copy of this order. No costs. Consequently, the connected miscellaneous petition is closed.

gpa

Sd/-
Asst.Registrar

/true copy/

Sub Asst. Registrar

To

1. The Principal Sub-Court,
Cuddalore.
 2. The Family Court, Pondicherry.
- + 1 cc to Mr.K.Rajkumar, Advocate Sr 19287

KR/4/4/16

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