

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14.07.2016

CORAM

THE HONOURABLE MR.JUSTICE C.T.SELVAM

Transfer Civil Miscellaneous Petition No.383 of 2016

and

C.M.P.No.10106 of 2016

Murugapriya
W/o. Santhosh

... Petitioner/Respondent

vs

Santhosh
S/o.Thatchinamoorthy

... Respondent/Petitioner

Transfer Civil Miscellaneous Petition filed under Section 24 of the Civil Procedure Code, 1906, praying to withdraw H.M.O.P.No.74 of 2016 pending on the file of learned District Judge, Family Court, Erode District and to transfer the same to the file of learned Subordinate Judge, Udumalpet.

For Petitioner : Mr.M.Guruprasad
For Respondent : Mr.S.Kamadevan

सत्यमेव जयते
O R D E R

Petitioner has filed the present petition seeking transfer of H.M.O.P.No.74 of 2016, pending on the file of learned District Judge, Family Court, Erode District, to the file of learned Subordinate Judge, Udumalpet.

2. Learned counsel for petitioner submits that the petitioner/wife has filed H.M.O.P.No.91 of 2016 on the file of learned Subordinate Judge, Udumalpet, for restitution of conjugal rights and the respondent/husband has filed H.M.O.P.No.74 of 2016 seeking divorce. Learned counsel submits that it would be desirable to have both the matters tried together and prays of transfer of both the H.M.O.Ps. to the file

of learned Subordinate Judge, Tiruppur.

3. Learned counsel for respondent submits that transfer of H.M.O.P.No.74 of 2016 would cause the respondent grave inconvenience.

4. Considering the rival submissions and the further position that the petitioner has to take care of her five years old child, this Court is of the view that the petition is to be allowed. Accordingly, this Court directs transfer of both the H.M.O.Ps. i.e., H.M.O.P.No.74 of 2016, pending on the file of learned District Judge, Family Court, Erode District, and H.M.O.P.No.91 of 2016, pending on the file of learned Subordinate Judge, Udumalpet, to the file of learned Subordinate Judge, Tiruppur, to be tried both together.

The Transfer Civil Miscellaneous Petition, accordingly, is ordered. No costs. Consequently, connected miscellaneous petition is closed.

-s/d-

Assistant Registrar

True Copy

Sub-Assistant Registrar

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To

1.The District Judge,
Family Court,
Erode District.

2.The Subordinate Judge,
Udumalpet.

3.The Subordinate Judge,
Tiruppur.

+1 cc to Mr.M.Guruprasad Advocate sr 39574
+1 cc to Mr.S.Kamadevan Advocate sr 39383

Transfer Civil Miscellaneous
Petition No.383 of 2016

aa31/08/2016