



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 20.04.2016

CORAM:

WEB COPY

THE HONOURABLE MS.JUSTICE V.M. VELUMANI

TR.C.M.P.(MD) No.146 of 2016

and

CMP(MD).No.2589 of 2016

Ammaiyappan @ Babu : Petitioner

Vs.

R.S. Ganageswari : Respondent

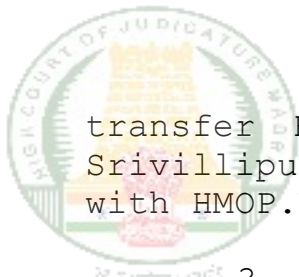
Prayer: This Transfer CMP is filed under Section 24 of CPC praying to withdraw the case in HMOP.No.161 of 2014 pending on the file of Sub Court, Srivilliputur and transfer the same to the file of Family Court, Srivilliputur, to be tried along with HMOP.No.6 of 2014 on the file of Family Court, Srivilliputur.

For Petitioner : Mr.M. Vijayarathinam

O R D E R

The Transfer Civil Miscellaneous Petition is filed to withdraw and transfer the case in HMOP.No.161 of 2014 pending on the file of Sub Court, Srivilliputur to Family Court, Srivilliputur, to be tried along with HMOP.No.6 of 2014.

2. The petitioner herein is the husband and the respondent is the wife. The marriage between the petitioner and the respondent was solemnized on 07.03.2011. Due to the dispute, both are living separately. Originally, the respondent filed HMOP.No.40 of 2012, before the Principal Sub Court, Kovilpatti, for restitution of Conjugal rights. The petitioner filed HMOP.No.40 of 2012, on the file of Sub Court, Srivilliputur, for divorce. The petitioner filed Tr.C.M.P(MD).No.116 of 2013 to withdraw and transfer the case in HMOP.No.40 of 2012 filed by the respondent before the Principal Sub Court, Kovilpatti to be tried along with HMOP.No.40 of 2012 on the file of Sub Court, Srivilliputur and the same has been allowed. The petition in HMOP.No.40 of 2012 pending on the file of Sub Court, Kovilpatti transferred to the file of Sub Court, Srivilliputur and re-numbered as HMOP.No.161 of 2014. In the meantime, the HMOP.No.40 of 2012 pending on the file of Sub Court, Srivilliputur, filed by the respondent, was transferred to Family Court, Srivilliputur and re-numbered as HMOP.No.6 of 2014 and the same is pending. In such circumstances, the petitioner filed this petition to withdraw and



transfer HMOP.No161 of 2014 from the the file of Sub Court, Srivilliputur to Family Court, Srivilliputur to be tried along with HMOP.No.6 of 2014.

3. Though the notice was served on the respondent and her name is also printed in the cause list, she has not chosen to appear either in person or through counsel.

4. I have heard the learned counsel appearing for the petitioner.

5. In view of the submissions made by the learned counsel appearing for the petitioner that the parties and subject matter of the issue is one and the same and to avoid conflicting decisions and in the interest of justice, both H.M.O.P.No.6 of 2014 and HMOP.No.161 of 2014 are to be tried together in the same Court.

6. Accordingly, this Transfer Civil Miscellaneous Petition is allowed and H.M.O.P.No.161 of 2014, pending on the file of Sub Court, Srivilliputur, is hereby withdrawn and transferred to the file of Family Court, Srivilliputur, to be tried along with H.M.O.P.No.6 of 2014, if the same is not yet disposed of. The learned Subordinate Judge, Srivilliputur, is directed to send the case bundles to Family court, Srivilliputur, immediately. The Registry is also directed to send back the papers that are pending before the Registry. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar

/True Copy/

Sub Assistant Registrar

trp

To

1. The Subordinate Judge, Srivilliputur
2. The Judge, Family Court, Srivilliptur.

Copy To : The Section Officer, V.R & ER Sections
Madurai Bench Of Madras High Court, Madurai.

GJM/KBM/SAR-III-2.6.16-2p-4C

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