

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.06.2017

CORAM :

THE HONOURABLE MS. JUSTICE V.M.VELUMANI

Tr.C.M.P. Nos.155 and 271 of 2017
and C.M.P.Nos.2897 and 5079 of 2017

Tr.C.M.P.No.155 of 2017:

S.Nadhiya

... Petitioner

Vs.

D.Yuvakannan

... Respondent

Prayer:- Petition has been filed under Section 24 of C.P.C., to withdraw H.M.O.P.No.55 of 2016 from the file of the Subordinate Court, Perundurai and transfer the same to the file of the Subordinate Court, Dharapuram and to be tried along with H.M.O.P.No.187 of 2016.

Tr.C.M.P.No.271 of 2017:

D.Yuvakannan

... Petitioner

Vs.

S.Nadhiya

... Respondent

Prayer:- Petition has been filed under Section 24 of C.P.C., to withdraw H.M.O.P.No.187 of 2016 from the file of the Subordinate Court, Dharapuram and transfer the same to the file of the Subordinate Court, Perundurai and to be tried along with H.M.O.P.No.55 of 2016.

For Petitioner in Tr.C.M.P.155 of 2017
and Respondent in Tr.C.M.P.271 of 2017 : Mr.C.E.Pratap

For Respondent in Tr.C.M.P.155 of 2017
and Petitioner in Tr.C.M.P.271 of 2017 : Mr.V.Kadhirvelu

O R D E R

Tr.C.M.P.No.155 of 2017 is filed by the wife to withdraw H.M.O.P.No.55 of 2016 for divorce from the file of the Subordinate Court, Perundurai and transfer the same to the file

of the Subordinate Court, Dharapuram and to be tried along with H.M.O.P.No.187 of 2016 pending on its file.

2. Tr.C.M.P.No.271 of 2017 is filed by the husband to withdraw H.M.O.P.No.187 of 2016 for restitution of conjugal rights from the file of the Subordinate Court, Dharapuram and transfer the same to the file of the Subordinate Court, Perundurai and to be tried along with H.M.O.P.No.55 of 2016 pending on its file.

3. When the matter is taken up for hearing, learned counsel appearing for the wife submitted that the wife has already filed M.C.No.11 of 2016 claiming maintenance from the husband and the same is pending before the learned Judicial Magistrate, Kangayam. She has no objection to transfer H.M.O.P.No.187 of 2016 filed by her pending on the file of the Subordinate Court, Dharapuram to the Subordinate Court, Perundurai and to be tried along with H.M.O.P.No.55 of 2016 filed by the husband. The learned counsel appearing for the wife has also made an endorsement to that effect and prayed for speedy disposal of both the petitions.

4. Recording the endorsement made by the learned counsel for the petitioner, without deciding the issue on merits, the petition in H.M.O.P.No.187 of 2016 is ordered to be withdrawn from the file of the Subordinate Court, Dharapuram and transferred to the file of the Subordinate Court, Perundurai and to be tried along with H.M.O.P.No.55 of 2016. The Subordinate Court, Dharapuram, is directed to transmit all the records pertaining to H.M.O.P.No.187 of 2016 to the file of the Subordinate Court, Perundurai, within a period of two weeks from the date of receipt of a copy of this order. The Subordinate Court, Perundurai, is directed to dispose both H.M.O.P.Nos.55 and 187 of 2016 as expeditiously as possible, in any event, not later than six months from the date of receipt of a copy of this order.

5. Accordingly, the Transfer Civil Miscellaneous petitions are ordered. No costs. Consequently, connected Miscellaneous Petitions are closed.

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

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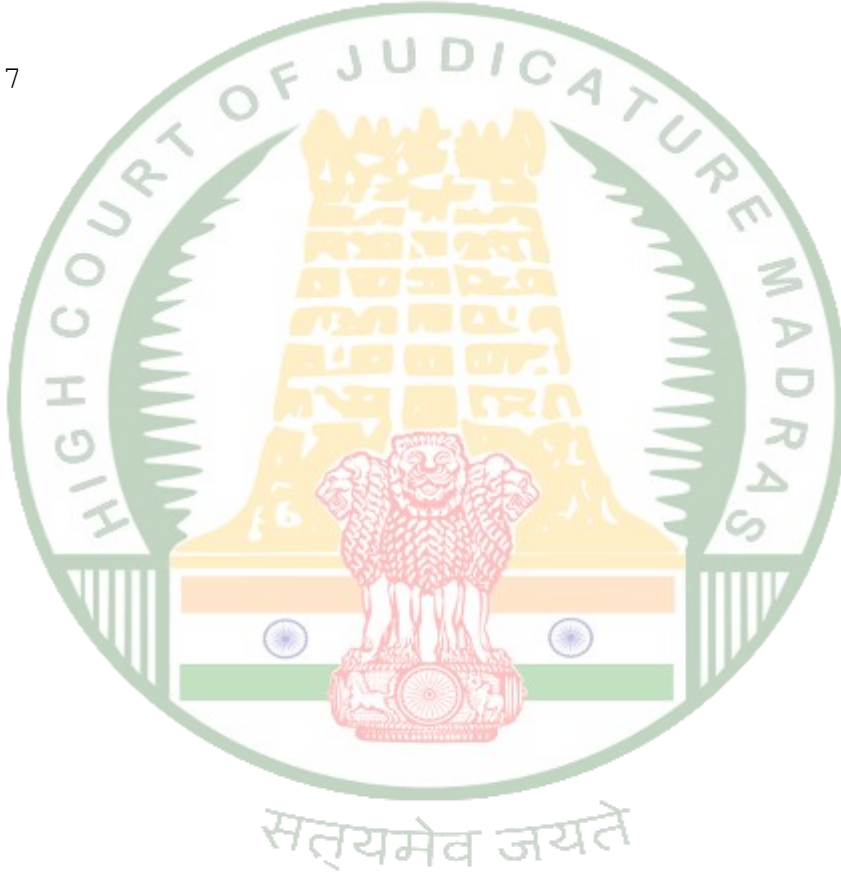
1. The Subordinate Court, Dharapuram.
2. The Subordinate Court, Perundurai.

+1cc to Mr.V.Kadhirvelu, Advocate, S.R.No.42153

+1cc to Mr.C.E.Pratap, Advocate, S.R.No.42152

Tr.C.M.P. Nos.155 and 271 of 2017
and C.M.P.Nos.2897 and 5079 of 2017

VSN(CO)
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