

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.06.2017

CORAM :

THE HONOURABLE Ms. JUSTICE V.M.VELUMANI

Tr.C.M.P.No.25 of 2017
and
C.M.P.No.669 of 2017

J.Neelavani

... Petitioner

Vs.

M.Sivaprakasam

... Respondent

Prayer:- Petition has been filed under Section 24 of C.P.C., to withdraw H.M.O.P.No.85 of 2016 from the file of the Sub-Court Bhavani and to transfer the same to the file of the Family Court, Salem and to try along with F.C.O.P.No.493 of 2016 pending on its file.

For Petitioner : Mr.M.Ravibharathi

For Respondent : Mr.K.T.S.Sivakumar

ORDER

This petition is filed to withdraw H.M.O.P.No.85 of 2016 from the file of the Sub-Court Bhavani and to transfer the same to the file of the Family Court, Salem and to try along with F.C.O.P.No.493 of 2016 pending on its file.

2. Heard the learned counsel appearing for the petitioner and the learned counsel appearing for the respondent.

3. Learned counsel for the petitioner submitted that the respondent filed H.M.O.P.No.85 of 2016 for divorce against the petitioner on the file of the Sub-Court, Bhavani. The petitioner has filed F.C.O.P.No.493 of 2016 for restitution of conjugal rights, on the file of the Family Court, Salem. Therefore, she prays for transfer the case in H.M.O.P.No.85 of 2016 pending from the file of the Sub-Court, Bhavani, to the file of the Family Court, Salem and to try along with F.C.O.P.No.493 of 2016 pending on its file.

4. The learned counsel appearing for the respondent has no objection to transfer the H.M.O.P.No.85 of 2016 pending on the file of Sub-Court, Bhavani, to the file of Family Court,

Salem and prayed for early disposal and made an endorsement to that effect.

5. In view of the submission and endorsement so made by the learned counsel for the respondent, this petition is ordered. Accordingly, the petition in H.M.O.P.No.85 of 2016 pending on the file of Sub-Court, Bhavani, is ordered to be withdrawn and transferred to the file of Family Court, Salem and to be tried along with F.C.O.P.No.493 of 2016. The Sub-Court, Bhavani, is directed to transmit all the records pertaining to H.M.O.P.No.85 of 2016 to the file of Family Court, Salem, within a period of two weeks from the date of receipt of a copy of this order. On receipt of the records, the learned Judge, Family Court, Salem, is directed to dispose both the H.M.O.P.No.85 of 2016 and F.C.O.P.No.493 of 2016, as expeditiously as possible, in any event, not later than four months from the date of receipt of a copy of this order.

6. Accordingly, the Transfer Civil Miscellaneous Petition is ordered. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

kj

To

1. The Subordinate Judge,
Bhavani.

2. The Family Court,
Salem.

+1cc to Mr.K.T.S.Sivakumar, Advocate, S.R.No.43762
+1cc to Mr.M.Ravibharathi, Advocate, S.R.No.43646

Tr.C.M.P. No.25 of 2017
and
C.M.P.No.669 of 2017

SJ(CO)
CA(06/07/2017)