

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.10.2017

CORAM

THE HONOURABLE Mrs. JUSTICE PUSHPA SATHYANARAYANA

Tr.C.M.P.No.551 of 2013
and
MP.No.1 of 2013

Minor Sathwik, aged 13 years,
Rep. by mother and guardian,
Smt.Kiruthika. Petitioner

Versus

1. Maheswaran
2. Smt.Jeyalakshmi
3. Smt.Ramyadevi ... Respondent

Prayer: Petition filed under Section 24 of the Civil Procedure Code praying to withdraw the suit O.S.No.72 of 2012 pending on the file of District Court, Namakkal and to transfer the same to the file of the District Court, Erode.

For Petitioner : M/s.J.Prithvi
for S.Kaithamalai kumaran
For Respondent : M/s.Zeenath Begum (for R1)
No appearance (R2 and R3)

O R D E R

This petition is filed seeking to withdraw the suit in O.S.No.72 of 2012, filed for partition by the first respondent/husband, pending on the file of District Court, Namakkal and to transfer the same to the file of the District Court, Erode.

2. The petitioner is the wife and the Plaintiff in O.S.No.4 of 2012, filed for maintenance and the first respondent is the husband and the Plaintiff in O.S.No.72 of 2012, pending on the file of District Court, Namakkal.

3. It is stated that in both the suits, the pleadings are ready and they are ripe for trial. It is also stated that the petitioner herein is staying with the minor child in Erode.

4. In the affidavit filed in support of this petition, it is stated that she has been deserted by her husband and hence she was forced to file the suit for maintenance and in paragraph 6 of the affidavit, it is stated that , if both the suits are tried in District Court, Erode, then it would be convenient for both the parties, as it is very difficult for her to travel to Namakkal to attend the hearings in the suit filed in O.S.No.72 of 2012.

5. Considering the facts and circumstances of the petitioner, this Court is inclined to withdraw O.S.No.72 of 2012, pending on the file of District Court, Namakkal and transfer the same to District Court, Erode.

6. Accordingly, this petition is allowed and the suit in O.S.No.72 of 2012, pending on the file of District Court, Namakkal is withdrawn and transferred to District Court, Erode. As the suit filed by the wife for maintenance in O.S.No.4 of 2012 is pending before the Sub Court, Erode, it is open to the petitioner to take out an appropriate application to transfer the said suit to District Court, Erode to club along with O.S.No.72 of 2012, after the papers are transmitted to the District Court, Erode. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

vum/arr

To

1. The district Judge,
The District Court, Namakkal

2. The district Judge,
The District Court, Erode.

+1cc to Mr.A.K.KUMARASAMY Advocate, S.R.No. 75585/17

+1cc to Mr.ZEENATH BAGAM Advocate, S.R.No. 75986/17

Tr.C.M.P.No.551 of 2013
and

MP.No.1 of 2013

VGI (CO)

TR(21/11/2017)