

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.01.2017

CORAM:

THE HONOURABLE MRS.JUSTICE PUSHPA SATHYANARAYANA

Tr.C.M.P.No.638 of 2016

and C.M.P.No.16997 of 2016

S.Kavitha @ S.Karthika

.. Petitioner

Vs.

A.Vijayaprabu

.. Respondent

Transfer Civil Miscellaneous Petition filed under Section 24 of the Civil Procedure Code praying to withdraw the case in H.M.O.P.No.188 of 2016 before the Family Court, Salem and to transfer the same to the file of any Family Court in Erode.

For petitioner : Mr.V.Balamurugane

For respondent : M/s.Thanga Vadhana Balakrishnan

ORDER

The petitioner-wife has filed F.C.O.P.No.203 of 2016 under Section 9 of the Hindu Marriage Act, before the Family Court, Erode, for restitution of conjugal rights, whereas, the respondent-husband has filed H.M.O.P.No.188 of 2016 under Section 13(1)(i-a) of the Hindu Marriage Act, before the Family Court, Salem, for divorce. If the above O.Ps. are allowed to be proceeded in the respective Courts, there will be conflict of decisions. Hence, it is necessary that one of the O.P. has to be transferred to the other place, to be tried along with the other O.P. This Tr.C.M.P. is filed by the wife for transferring H.M.O.P.No.188 of 2016 pending before the Family Court, Salem, to the Family Court, Erode, to be tried along with F.C.O.P.No.203 of 2016 pending before the Family Court, Erode. Besides that, the wife has expressed certain difficulties in going to Salem for each of the hearing. The respondent has no serious objection. Accordingly, this Tr.C.M.P. is allowed and C.M.P. is closed. H.M.O.P.No.188 of 2016 pending before the Family Court, Salem, shall be transferred to the Family Court, Erode, to be tried along with F.C.O.P.No.203 of 2016.

-s/d-

Assistant Registrar

True Copy

Sub-Assistant Registrar

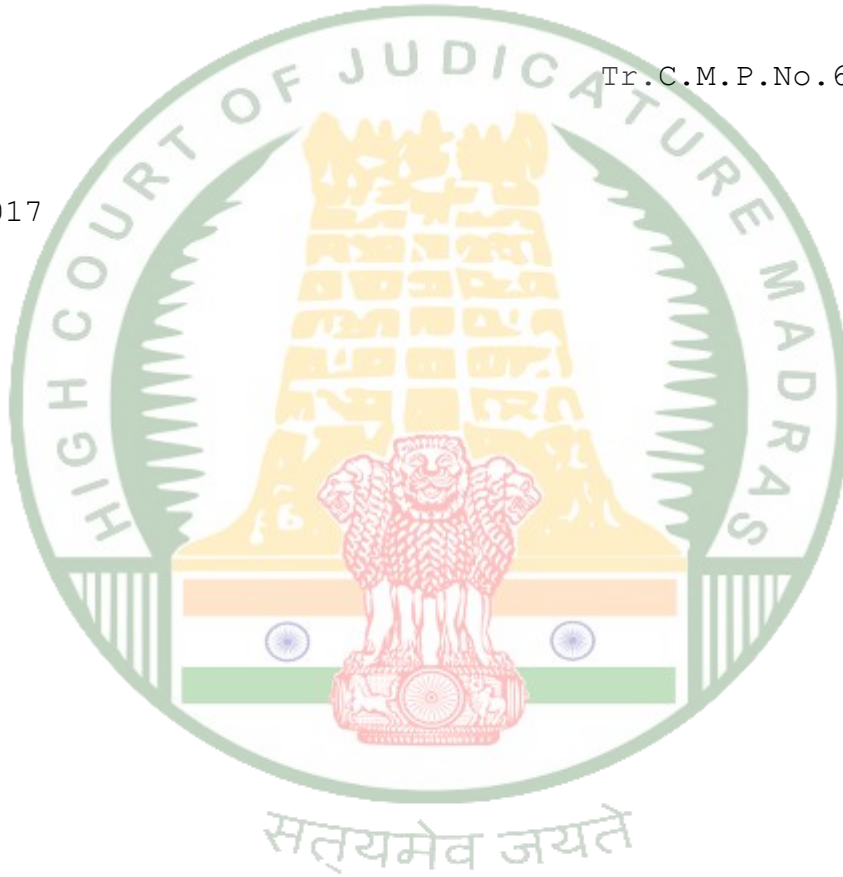
Copy to

1. The Judge, Family Court, Erode.
2. The Judge, Family Court, Salem.

+1 cc to Mr.V.Balamurugane Advocate sr 2439

Tr.C.M.P.No.638 of 2016

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