



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 12.06.2017

CORAM :

THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN

Tr.C.M.P(MD)No.216 of 2017
and
C.M.P(MD)No.4901 of 2017

Gayathri Devi ... Petitioner/Respondent
Vs.

Ramaprabhu ... Respondent/Petitioner

Prayer: Petition filed under Section 24 of Civil Procedure Code to withdraw the petition H.M.O.P.No.119 of 2015 on the file of the Subordinate Court, Uthamapalayam, Theni District and transfer the same to be tried along with M.C.No.27 of 2017, on the file of the Family Court, Madurai.

For Petitioner : Mr.S.Muthumalairaja
For Respondent : Mr.R.Venkateswaran
* * * *

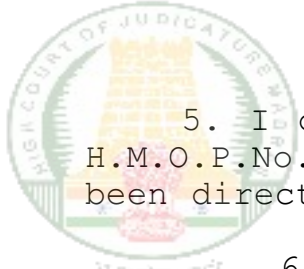
O R D E R

The wife, who is the respondent in H.M.O.P.No.119 of 2015 on the file of the Sub Court, Uthamapalayam, seeks transfer of the same to the file of the Family Court, Madurai, to be heard along with M.C.No.27 of 2017 filed by her in December 2016.

2. It is seen from the records that H.M.O.P.No.119 of 2015 has been filed as early as on 28.10.2014 and the petitioner herein, namely, the wife has also filed I.A.No.41 of 2016 seeking interim maintenance and the same has been ordered by the Sub Court, Uthamapalayam on 17.04.2017, directing the respondent/husband to pay a sum of Rs.8,000/- (Rupees Eight Thousand only) per month towards maintenance and a sum of Rs.3,000/- (Rupees Three Thousand only) for litigation expenses.

3. It is also seen from the order dated 23.02.2017, passed in C.R.P(MD)No.350 of 2017 that this Court has directed the learned Sub Judge, Uthamapalayam, to dispose of H.M.O.P.No.119 of 2015 as expeditiously as possible, in any event, not later than 31.07.2017.

4. The learned Counsel for the petitioner as well as the learned Counsel for the respondent would concede that the chief examination of P.W.1 is over and the matter is posted for cross-examination of P.W.1.



5. I do not think that it is just and reasonable to transfer H.M.O.P.No.119 of 2015 in which, the trial already started which has been directed to be disposed of by a particular date by this Court.

6. Hence, this Transfer Civil Miscellaneous Petition is dismissed. No costs. Consequently, the connected civil miscellaneous petition is also dismissed.

Sd/-

Assistant Registrar(CS-III)

/True Copy/

Sub Assistant Registrar

To

The Subordinate Court,
Uthamapalayam, Theni District.

+1cc to M/s. R.VENKATESWARAN Advocate in SR. No.59642

RSB

JS/SV.MMS/SAR.4/20.6.2017/2P-3C

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