

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.04.2018

CORAM :

THE HONOURABLE MS. JUSTICE V.M.VELUMANI

Tr.C.M.P. No.1035 of 2017
and C.M.P.No.21040 of 2017

M.Deepika

... Petitioner

Vs.

M.Senthil Kumar

... Respondent

Prayer:- Petition has been filed under Section 24 of C.P.C., to withdraw H.M.O.P.No.180 of 2017 on the file of the Subordinate Court, Mettur and to transfer the same to the file of the VI Additional Family Court, Chennai, to try along with H.M.O.P.No.3637 of 2017 pending on its file.

For Petitioner : Mr.S.Sabarish
For Respondent : Mr.R.Thirumoorthy

O R D E R

This petition is filed to withdraw H.M.O.P.No.180 of 2017 on the file of the Subordinate Court, Mettur and to transfer the same to the file of the VI Additional Family Court, Chennai, to try along with H.M.O.P.No.3637 of 2017 pending on its file.

2.The learned counsel for the petitioner has come out with the present transfer petition making various allegations against the respondent.

3.When this petition is taken up for hearing, the learned counsel appearing for the respondent submitted that the respondent has no objection to transfer H.M.O.P.No.180 of 2017 pending on the file of the Subordinate Court, Mettur, to the file of the VI Additional Family Court, Chennai, to try along with H.M.O.P.No.3637 of 2017 filed by the petitioner for divorce, on the file of the VI Additional Family Court, Chennai and he has also made an endorsement to that effect and prayed for deletion of the allegations made by the petitioner against the respondent.

4.Heard the learned counsel for the petitioner as well as the respondent.

5. In view of the submission and endorsement so made by the learned counsel for the respondent, the petition in H.M.O.P.No.180 of 2017 pending on the file of the Subordinate Court, Mettur, is ordered to be withdrawn and transferred to the file of the VI Additional Family Court, Chennai, to be tried along with H.M.O.P.No.3637 of 2017 filed by the petitioner, in order to avoid multiplicity of proceedings and conflicting judgments being delivered by two different Courts. The learned Subordinate Judge, Mettur, is directed to transmit all the records pertaining to H.M.O.P.No.180 of 2017 to the file of the VI Additional Family Court, Chennai, within a period of two weeks from the date of receipt of a copy of this order. It is open to both the parties to make their submissions on their allegations and counter allegations before the VI Additional Family Court, Chennai.

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

Sd/-
Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

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To

1.The Subordinate Judge, Mettur.

2.VI Additional Family Judge, Chennai.

+1cc to Mr.Kingstone Jevold/Mr.S.Sabarish, Advocate in sr.26107

+1cc to Mr.R.Thirumoorthy, Advocate in sr.no.26214

Tr.C.M.P. No.1035 of 2017
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