

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.04.2018

CORAM :

THE HONOURABLE MS. JUSTICE V.M.VELUMANI

Tr.C.M.P. No.554 of 2017
and C.M.P.No.11437 of 2017

T.Sivakala ... Petitioner/Respondent
Vs.

S.Muthukrishnan ... Respondent/Petitioner

Prayer:- Petition has been filed under Section 24 of C.P.C., to withdraw H.M.O.P.No.55 of 2017 on the file of the Subordinate Court, Thiruvavarur and to transfer the same to the file of the Family Court, Pondicherry.

For Petitioner : Mr.S.Satish

For Respondent : Mr.G.Sudhagar

O R D E R

This petition is filed to withdraw H.M.O.P.No.55 of 2017 on the file of the Subordinate Court, Thiruvavarur and to transfer the same to the file of the Family Court, Pondicherry.

2.When this petition is taken up for hearing, the learned counsel appearing for the respondent has submitted that the respondent has no objection to transfer H.M.O.P.No.55 of 2017 pending on the file of the Subordinate Court, Thiruvavarur, to the file of the Family Court, Pondicherry and to try along with M.C.No.25 of 2017 filed by the petitioner on the file of the Family Court, Pondicherry, claiming maintenance and he has made an endorsement to that effect. He has also prayed for early disposal of the H.M.O.P.

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

4. In view of the submission and endorsement so made by the learned counsel for the respondent, the petition in H.M.O.P.No.55 of 2017 pending on the file of the Subordinate Court, Thiruvavarur, is ordered to be withdrawn and transferred to the file of the Family Court, Pondicherry, to be tried along

with M.C.No.25 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, Thiruvarur, is directed to transmit all the records pertaining to H.M.O.P.No.55 of 2017 to the file of the Family Court, Pondicherry, 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, Pondicherry, is directed to dispose of the case, as expeditiously as possible, in any event not later than four months from the date of receipt of a copy of this order.

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

Sd/-
Assistant Registrar (CS IX)

//True copy//

Sub Assistant Registrar

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To

1. The Subordinate Judge, Thiruvarur.

2. The Family Judge
Pondicherry.

+1cc to Mr.G.Sudhagar, Advocate SR.No.25392

+1cc to Mr.P.Sivagaminathan, Advocate SR.No.25056

सत्यमेव जयते

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