

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.04.2018

CORAM :

THE HONOURABLE MS. JUSTICE V.M.VELUMANI

Tr.C.M.P. No.912 of 2017

and C.M.P.No.18459 of 2017

K.Bhakkiyaraj

... Petitioner

Vs.

P.Prema

... Respondent

Prayer:- Petition is filed under Section 24 of C.P.C., to withdraw H.M.O.P.No.69 of 2017 pending on the file of the Subordinate Court, Avinashi and transfer the same to the file of the Subordinate Court, Gobichettipalayam.

For Petitioner : Mr.V.Balamurugane

For Respondent : No appearance

O R D E R

This petition is filed to withdraw H.M.O.P.No.69 of 2017 pending on the file of the Subordinate Court, Avinashi and transfer the same to the file of the Subordinate Court, Gobichettipalayam.

2.The petitioner is the husband and respondent is the wife. The marriage between the petitioner and respondent was conducted on 23.06.2016 as per Hindu rites and customs. After marriage, both the petitioner and respondent were living in the matrimonial home at Gobichettipalayam. Due to difference of opinion between the petitioner and respondent, both are living separately.

3.According to the petitioner, he has filed H.M.O.P.No.69 of 2017 on the file of the Subordinate Court, Avinashi, against the respondent, for dissolution of marriage. The respondent also filed H.M.O.P.No.14 of 2017 on the file of the Subordinate Court, Gobichettipalayam, against the petitioner for restitution of conjugal rights, making false allegations. Unless both the H.M.O.Ps. are heard together and decided jointly, there will be conflicting judgments. In the circumstances, the petitioner has come out with the present Tr.C.M.P. to transfer H.M.O.P.No.69 of 2017 pending on the

file of the Subordinate Court, Avinashi, to the file of the Subordinate Court, Gobichettipalayam.

4.Heard the learned counsel for the petitioner and perused the materials available on record. Though notice was served on the respondent and her name is printed in the cause list, there is no representation on behalf of her either in person or through counsel.

5.Considering the above contention of the learned counsel for the petitioner and to avoid multiplicity of proceedings and conflicting judgments being delivered by two different Courts, the petition in H.M.O.P.No.69 of 2017 is ordered to be withdrawn from the file of the Subordinate Court, Avinashi and transferred to the file of the Subordinate Court, Gobichettipalayam, to be tried along with H.M.O.P.No.14 of 2017 filed by the respondent. The learned Subordinate Judge, Avinashi, is directed to transmit all the records pertaining to H.M.O.P.No.69 of 2017 to the file of the Subordinate Court, Gobichettipalayam, within a period of two weeks from the date of receipt of a copy of this order.

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

-sd/-
Assistant Registrar

True Copy

Sub-Assistant Registrar

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To

1.The Subordinate Judge, Avinashi.

2.The Subordinate Judge, Gobichettipalayam.

C.C. to MR.V.BalaMurugane Advocate SR.NO. 30656

Tr.C.M.P. No.912 of 2017
and C.M.P.No.18459 of 2017

AD(CO)

VS 11.05.2018