

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.06.2018

CORAM:

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

Tr.C.M.P.No.122 of 2018
and C.M.P.No.3268 of 2018

Babu

... Petitioner

Vs.

Nithya

... Respondent

PRAYER: Petition is filed under Section 24 of C.P.C., to withdraw F.C.O.P.No.249 of 2017 pending on the file of the Family Court, Erode and transfer the same to the file of the Sub Court, Rasipuram.

For Petitioner : Mr.SP.Yuaraj

For Respondent : No appearance

O R D E R

This petition is filed to withdraw F.C.O.P.No.249 of 2017 pending on the file of the Family Court, Erode and transfer the same to the file of the Sub Court, Rasipuram.

2.The petitioner has come out with the present Transfer Civil Miscellaneous Petition to transfer F.C.O.P.No.249 of 2017 to the file of Sub Court, Rasipuram on the ground that he is residing at Rasipuram and he is a taxi driver. He has filed H.M.O.P.No.104 of 2017 before the Sub Court at Rasipuram for restitution of conjugal rights. The respondent has filed F.C.O.P.No.249 of 2017 on the file of the Family Court, Erode for divorce. The petitioner being a taxi driver is unable to travel to Erode to attend each and every hearing before Family Court, Erode.

3.When the matter is taken up for hearing, the learned counsel for the petitioner submitted that though the present Transfer Civil Miscellaneous Petition is filed to transfer F.C.O.P.No.249 of 2017 pending on the file of the Family Court, Erode to Sub Court, Rasipuram, the petitioner has no objection to transfer H.M.O.P.No.104 of 2017 filed by him for restitution of conjugal rights on the file of the Sub Court at Rasipuram to

the file of Family Court at Erode to be tried along with F.C.O.P.No.249 of 2017 filed by the respondent and he has made an endorsement to that effect.

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

5.In view of the submission and endorsement so made by the learned counsel for the petitioner, the H.M.O.P.No.104 of 2017 is ordered to be withdrawn from the file of the Sub Court, Rasipuram and transferred to the file of the Family Court, Erode, to be tried along with F.C.O.P.No.249 of 2017 filed by the respondent in order to avoid multiplicity of proceedings and conflicting judgments being delivered by two different Courts. The learned Subordinate Judge, Rasipuram is directed to transmit all the records pertaining to H.M.O.P.No.104 of 2017 to the file of the Family Court, Erode, 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(CS II)

//True Copy//

Sub Assistant Registrar

LPP

To

1.The Judge, Family Court, Erode.

2.The Subordinate Judge, Rasipuram.

+1cc to Mr.R.P.Muruganraja, Advocate, S.R.No.40099

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SVN(CO)
GSP(12/07/2018)