

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.07.2018

CORAM :

THE HONOURABLE MS. JUSTICE V.M.VELUMANI

Tr.C.M.P.No.196 of 2018
and C.M.P.No.5107 of 2018

A.Ramesh Palaniappan

... Petitioner

Vs.

V.Akalya

.... Respondent

Prayer:- Petition has been filed under Section 24 of C.P.C., to withdraw H.M.O.P.No.752 of 2016 pending on the file of the Sub Court, Tambaram and transfer the same to the file of the Family Court, Chennai to be tried along with H.M.O.P.No.1540 of 2017 pending on its file.

(Prayer amended vide Court order dated 27.06.2018 made in C.M.P.No.8395 of 2018 in Tr.C.M.P.No.196 of 2018)

For Petitioner : Mr.Shabnam

For Respondent : Ms.L.Kavitha
for Mr.J.Saravana Vel

O R D E R

This petition is filed to withdraw H.M.O.P.No.752 of 2016 pending on the file of the Sub Court, Tambaram and transfer the same to the file of the Family Court, Chennai to be tried along with H.M.O.P.No.1540 of 2017 pending on its file.

2.When this Transfer Civil Miscellaneous 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.752 of 2016 pending on the file of the Sub Court, Tambaram to the file of the Family Court, Chennai to be tried along with H.M.O.P.No.1540 of 2017 and she has made an endorsement to that effect.

3.Heard the learned counsel for the petitioner as well as the respondent and perused the materials available on record.

4.In view of the submission and endorsement so made by the learned counsel for the respondent, without deciding the issue on merits, the petition in H.M.O.P.No.752 of 2016 pending on the file of the Sub Court, Tambaram is ordered to be withdrawn and transferred to the file of the Family Court, Chennai to be tried along with H.M.O.P.No.1540 of 2017 filed by the petitioner in order to avoid multiplicity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, Tambaram is directed to transmit all the records pertaining to H.M.O.P.No.752 of 2016 to the file of the Family Court, Chennai within a period of two weeks 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

To

1.The Judge, Family Court, Chennai.

2.The Subordinate Judge, Tambaram.

+1cc to Mr.J.Saravana Vel, Advocate, S.R.No.50627

+1cc to Mr.Shabnam, Advocate, S.R.No.51221

सत्यमेव जयते

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RJI (CO)

GSP(04/09/2018)

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