

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 15.11.2018

CORAM:

THE HONOURABLE MR. JUSTICE R. PONGIAPPAN

Transfer CMP.No.191 of 2018 &
CMP No.4978 of 2018

S.K. Shalini

... Petitioner

Vs

R. Jaganath

... Respondent

PRAYER: Transfer Civil Miscellaneous Petition filed under Section 24 of Code of Civil Procedure with a prayer to withdraw the H.M.O.P.No.90 of 2018 on the file of Family Court, Coimbatore and to transfer the same to the Subordinate Court, The Nilgiris.

For Petitioner : A.B. Reethana Begum

For Respondent : P. Suresh Babu

O R D E R

The Petitioner Shalini is the respondent in HMOP No.90 of 2018 on the file of the Family Court, Coimbatore. The respondent Jaganathan is the petitioner in the above said case. This petitioner got married with the respondent on 19.11.2009 at YWCA, Ananthagiri Hall, Udagamandalam, Nilgiris District. After the marriage, the petitioner gave birth to one girl child by name Dhanisha. In the meanwhile, due to the misunderstanding happened between the petitioner and the respondent, the petitioner left the matrimonial home and hence, the respondent filed the application against the petitioner seeking relief of divorce on the ground of desertion. As of now, the said case has been pending on the file of the Family Court, Coimbatore in H.M.O.P No.90 of 2018.

2) Now, by filing this petition, the petitioner seeks relief to withdraw the above HMOP from the file of Family Court, Coimbatore and to transfer the same to the file of Subordinate Court, The Nilgiris.

3) Today, when the petition is came up for consideration, the learned Counsel appearing for the respondent made an endorsement for allowing this application. Further, he made a submission before this Court that the time limit may be fixed for disposing the HMOP. Accordingly, in view of the endorsement made by the respondent, the petition is allowed.

4) In fine, the case in HMOP No.90 of 2018 pending on the file of the Family Court, Coimbatore is ordered to be withdrawn and transfer to the Subordinate court, Nilgiris and the case records pertaining to the case in HMOP No.90 of 2018 is ordered to be sent to the Subordinate Court, Nilgiris within two weeks from the date of receipt of copy of this Order. Further, it is directed to dispose the said case within a period of 3 months from the date of receipt of copy of this Order by the learned Subordinate Judge, Nilgiris.

5) In the result, this Transfer petition is allowed. The Connected Miscellaneous petition also closed. No costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

vrn

To

1. The Family Court, Coimbatore.

2. The Subordinate Court, Nilgiris.

+1 cc to M/s.P.Suresh Babu, Advocate Sr.No.77897

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Transfer CMP No.191 of 2018

KAN(CO)
CSL/22.01.2019