

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.04.2018

CORAM :

THE HONOURABLE MS. JUSTICE V.M.VELUMANI

Tr.C.M.P. No.777 of 2016

P.Suresh @ Ranganathan ... Petitioner
Vs.
Nirmala @ Nirmala Devi ... Respondent

Prayer:- Petition is filed under Section 24 of C.P.C., to withdraw H.M.O.P.No.63 of 2015 pending on the file of the Sub-Court, Gobichettipalayam and transfer the same to the file of the Family Court, Erode, to try along with H.M.O.P.No.257 of 2015 pending on its file.

For Petitioner : Mr.V.Anandhamoorthy

For Respondent : Mr.M.Guruprasad

O R D E R

This petition is filed to withdraw H.M.O.P.No.63 of 2015 pending on the file of the Sub-Court, Gobichettipalayam and transfer the same to the file of the Family Court, Erode, to try along with H.M.O.P.No.257 of 2015 pending on its file.

2.The petitioner is the husband and respondent is the wife. The marriage between the petitioner and respondent was conducted on 12.03.2014 as per Hindu rites and customs. Due to difference of opinion between the petitioner and respondent, they are living separately. The petitioner has filed H.M.O.P.No.63 of 2015 on the file of the Sub-Court, Gobichettipalayam, for divorce against the respondent. On receiving summons in the said H.M.O.P.No.63 of 2015, the respondent has filed H.M.O.P.No.257 of 2016 on the file of the Family Court, Erode, for restitution of conjugal rights. Further, the respondent has filed D.V.A.No.3 of 2016 before the Judicial Magistrate Court No.I, Erode.

3.According to the petitioner, as all the three cases are pending in three different Courts, he is not able to concentrate in his work. For the above reason, the petitioner has come out with the present Tr.C.M.P. to transfer H.M.O.P.No.63 of 2015 pending on the file of the Sub-Court, Gobichettipalayam, to the file of the Family Court, Erode, to avoid conflicting decisions.

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

5.Considering the reason given by the learned counsel for the petitioner and in order to avoid multiplicity of proceedings and conflicting judgments being delivered by different Courts, the petition in H.M.O.P.No.63 of 2015 is ordered to be withdrawn from the file of the Sub-Court, Gobichettipalayam and transferred to the file of the Family Court, Erode, to be tried along with H.M.O.P.No.257 of 2015 filed by the respondent. The learned Subordinate Judge, Gobichettipalayam, is directed to transmit all the records pertaining to H.M.O.P.No.63 of 2015 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.

Sd/-

Assistant Registrar (CS-V)

//True Copy//

Sub Assistant Registrar

LPP/kj

To

1.The Subordinate Judge, Gobichettipalayam.

2.The Judge, Family Court, Erode.

+1cc to Mr.V.ANANDHAMURTHY, Advocate, S.R.No.31986

+1cc to Mr.M.GURUPRASAD, Advocate, S.R.No.31958

Tr.C.M.P. No.777 of 2016

SKS (CO)

TR(31/05/2018)

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