



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 12.03.2018

CORAM

WEB COPY

THE HONOURABLE MRS.JUSTICE J.NISHA BANU

TR. C.M.P(MD).No.20 of 2018
and
C.M.P(MD)No.472 of 2018

P.Divya Bharathi

... Petitioner

Vs.

J.Dinesh Kumar

... Respondent

PRAYER:- Transfer Civil Miscellaneous Petition filed under Section 24 of the Civil Procedure Code, 1908, praying to withdraw and transfer the case in H.M.O.P.No.270 of 2016 on the file of the Family Court, Trichy to the Subordinate Court, Trichy.

For Petitioner : Mr.P.Ganapathi Subramanian
For Respondent : Mr.R.Srinivasan

ORDER

This Transfer Civil Miscellaneous Petition is filed seeking transfer of H.M.O.P.No.270 of 2016, from the file of the Family Court, Trichy to the Subordinate Court, Trichy.

2. When the matter is taken up for hearing today, the learned Counsel for the petitioner/wife would submit that this Court, in a connected transfer application in TR.C.M.P.(MD)No.496 of 2017, filed by the respondent herein/husband, by an order dated 19.12.2017, has ordered transfer of H.M.O.P.No.20 of 2016, which was filed by the petitioner herein/wife seeking restitution of conjugal rights, from the file of Sub Court, Perambalur to Sub Court, Thuraiyur. Therefore, the learned Counsel would pray for a similar direction to transfer H.M.O.P.No.270 of 2016, which was filed by the respondent herein/husband seeking divorce, from the file of Family Court, Trichy to the Sub Court, Thuraiyur, instead of Sub Court, Trichy, so as to try both the H.M.O.P., petitions together, for which, the learned Counsel appearing for the respondent/husband has no serious objections.

3. Perusal of the documents filed in support of the petition would show that this Court in TR.C.M.P.(MD)No.496 of 2017, by order dated 19.12.2017, has directed as follows:

"5. In the result, this petition is allowed.

<https://hcservices.ecourts.gov.in/hcservices/>
H.M.O.P.No.20 of 2016 pending on the file of the Sub Court, Perambalur, is directed to be transferred to the file of the



Sub Court, Thuraiyur, for disposal. The Transferee Court is directed to expedite the trial and to dispose of the case as early as possible. Consequently, connected civil miscellaneous petition is closed."

4. In view of the submissions of both the Counsel as well as taking note of the earlier order dated 19.12.2017, in TR.C.M.P.(MD) No.496 of 2017, this Court, in the interest of justice, is inclined to pass the following directions:

- The learned Judge, Family Court, Trichy is directed to transmit the entire records in H.M.O.P.No.270 of 2016 to the file of the Sub Court, Thuraiyur within a period of two weeks from the date of receipt of copy of this order.
- The learned Subordinate Judge, Thuraiyur, after obtaining the records on transfer, is directed to try both H.M.O.P.Nos.20 & 270 of 2016, together and dispose of the same, as expeditiously as possible, in accordance with law.

5. With the above directions, this transfer civil miscellaneous petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CO)

/True Copy/

Sub Assistant Registrar

To

1.The Judge, Family Court, Trichy.

2.The Sub Judge, Thuraiyur.

+1cc to M/S.R.Srinivasan, Advocate SR.No. 54880

+1cc to M/S.P.Ganapathi Subramanian, Advocate SR.No. 55287

TR. C.M.P(MD) .No.20 of 2018
and
C.M.P(MD) No.472 of 2018
12.03.2018

gk

JM/KKR/SAR 4/16.03.2018/2P/5C