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IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 08.07.2019

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

Tr.C.M.P.No.315 of 2019 and  
CMP.No.9282 of 2019

R.Nandini

.. Petitioner

vs.

T.Dinesh Kumar

.. Respondent

Transfer Civil Miscellaneous Petition filed under Section 24 of C.P.C. seeking to withdraw the HMOP.No.225 of 2018 on the file of the Sub-Court at Udumalpet and transfer the same to the Family Court, Dharmapuri to try along with HMOP.No.10 of 2019.

For Petitioner : Mr.C.D.Sugumar

For respondent : Mr.K.Vignesh Karthick

JUDGMENT

This Transfer Civil Miscellaneous Petition has been filed seeking to withdraw the HMOP.No.225 of 2018 on the file of the Sub-Court at Udumalpet filed by the respondent husband seeking dissolution of their marriage on the ground of cruelty and transfer the same to the Family Court, Dharmapuri to try along with HMOP.No.10 of 2019 filed by the petitioner wife seeking restitution of conjugal rights.

2. When the matter is called today, the learned Counsel for the respondent sought for time to file a counter affidavit. But this Court finds no justification in granting time. The reason being that when the respondent husband has filed HMOP.No.225/2018 on the file of the Subordinate Judge, Udmualpet, the petitioner wife has filed a petition seeking restitution of conjugal rights in HMOP.No.10 of 2019 before the Family Court, Dharmapuri. In any event, the respondent has to conduct the HMOP.No.10/2019 before the Family Court, Dharmapuri.

3. Therefore, this Court has no hesitation to withdraw the HMOP.No.225 of 2018 on the file of the Sub-Court at Udumalpet and transfer the same to the Family Court, Dharmapuri to try along with HMOP.No.10 of 2019 and the learned Judge, Family Court, Dharmapuri is directed to dispose of the matters expeditiously on merit.



4. The Transfer Civil Miscellaneous Petition is allowed accordingly. No costs. Consequently, connected Miscellaneous Petition is closed.

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Sd/-  
Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

tsi

To

1. The Subordinate Judge, Sub-Court at Udumalpet

2. The Judge, Family Court, Dharmapuri.

+1cc to Mr.C.D.Sugumar, Advocate sr.56834

Tr.CMP.No.315 of 2019

rgn(co)  
nr 03/09/2019