

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.12.2019

CORAM:

THE HONOURABLE MR.JUSTICE S.VAIDYANATHAN

Transfer C.M.P.No.408 of 2019 &
CMP.No.11037 of 2019

D. Mahalakshmi ...Petitioner

vs.

K.A.Eswaramoorthy ...Respondent

Tr.C.M.P. filed under Section 24 of C.P.C., to withdraw HMOP.No.41 of 2019 pending on the file of the learned Subordinate Judge of Gobichettipalayam, Erode District and transfer the same to the file of the Family Judge, Nilgiri, Ooty.

For Petitioner : Mr.K.Thilageswaran

For Respondent : Mr.M.V.Krishnan

O R D E R

The Petitioner, who is residing at Nilgiri District, has come up with this Petition seeking transfer of HMOP.No.41 of 2019 from the file of the Subordinate Judge, Gobichettipalayam, Erode District and transfer the same to the file of the Family Judge, Nilgiri, Ooty.

2. When the matter is taken up for hearing, it is represented by both parties that HMOP.No.41 of 2019 pending on the file of Subordinate Judge, Gobichettipalayam, Erode District may be transferred to Sub Court, Mettupalayam instead of Family Court, Nilgiri, Ooty. It is expected that the wife will take necessary steps to get the case filed under Domestic Violence Act, pending before the Judicial Magistrate, Ooty be tried along with HMOP.No.41 of 2019 which is being transferred to the Sub Court, Mettupalayam. Learned counsel for the petitioner wife undertake that the petitioner wife shall not precipitate the matter till such time.

3. In view of the submission made by the parties, HMOP.No.41 of 2019 pending on the file of Subordinate Judge, Gobichettipalayam, Erode District is directed to be withdrawn

and the same is transferred to Sub Court, Mettupalayam. The Sub Court, Mettupalayam is expected to conclude the trial, as expeditiously as possible, without adjourning the matter beyond 45 working days at any point of time, to bring the issue to a logical end.

4. It is needless to mention that the petitioner/wife shall take steps to get the case filed under Domestic Violence Act, pending before the Judicial Magistrate, Ooty be transferred to Sub Court, Mettupalayam and file a petition before the Court. It is expected that till the Domestic Violence case is transferred to Sub Court, Mettupalayam, the petitioner shall not precipitate the matter as the counsel for wife has agreed that she seeks for transfer of DV case.

5. The Transfer Civil Miscellaneous Petition is disposed of with the above direction. No costs. Consequently, connected C.M.P.No.11037 of 2019 is closed.

Sd/-

Assistant Registrar(CS IIII)

//True Copy//

Sub Assistant Registrar

(msr)

To :

1.The Sub Court, Mettuplayam

2..The Subordinate Judge, Gobichettipalayam, Erode District

3.The Judicial Magistrate, Ooty.

+lcc to Mr.M.V.Krishnan, Advocate sr.106173

Tr. C.M.P.No.408 of 2019 &
CMP.No.11037 of 2019

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Page No.2 of 2