

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 19.07.2019

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

Tr. C.M.P. No.425 of 2019
and C.M.P. No.12074 of 2019

S.Geetha

... Petitioner

-vs-

G.K.Murali

... Respondent

Prayer: Petition filed under Section 24 of C.P.C to withdraw the F.C.O.P. No.578 of 2018 from the file of the Family Court, Salem and transfer the same before the Family Court, Dindigul to be tried along with suit in O.S. No.1 of 2019 on the file of the Family Court, Dindugal.

For Petitioner : Mr.B.Kumarasamy

For Respondent : Mr.S.Sivakumar

O R D E R

The Transfer C.M.P. has been filed to transfer the F.C.O.P. No.578 of 2018 pending on the file of the Family Court, Salem to the file of the Family Court, Dindugul to be tried along with suit in O.S. No.1 of 2019 on the file of the Family Court, Dindugal.

2.It is submitted by the learned counsel appearing for the petitioner that the respondent has filed F.C.O.P. No.578 of 2018 under Section 13(i-a) and (i-b) of the Hindu Marriage Act seeking divorce with a false and frivolous allegations. Therefore, the petitioner has filed a suit in O.S. No.1 of 2019 before the Family Court, Dindugal for maintenance towards herself and her minor daughter. Since the maintenance case is pending on the file of the Family Court, Dindugal, the F.C.O.P. No.578 of 2018 filed by the respondent seeking divorce can be transferred.

3.Learned counsel appearing for the respondent has no objection in allowing the petition and he has also filed a memo to that effect.

4.Taking note of the fact that the respondent has no objection in allowing the petition, this Court is inclined to transfer the F.C.O.P. No.578 of 2018 pending on the file of the Family Court, Salem to the file of the Family Court, Dindugal. Accordingly, the Tr.C.M.P. is allowed and the F.C.O.P. No.578 of 2018 pending on the file of the Family Court, Salem is withdrawn and transferred to the file of the Family Court, Dindugal.

5.The Family Court, Dindugal is directed to take up both the cases and dispose of the same expeditiously in the manner known to law. No costs. Consequently, C.M.P. No.12074 of 2019 is closed.

Sd/-

Assistant Registrar (CS-III)

//True copy//

Sub Assistant Registrar

vga

To

1.The Presiding Judge,
The Family Court,
Salem.

2.The Presiding Judge,
The Family Court,
Dindugal.

+1cc to Mr.B.Kumarasamy, Advocate SR.No.62034

+1cc to Mr.S.Sivakumar, Advocate SR.No.62461

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KS (CO)
GMY (26/08/2019)