

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13.12.2019

CORAM:

THE HONOURABLE MR.JUSTICE S.VAIDYANATHAN

Transfer C.M.P.Nos.700 and 701 of 2019

T.Kanimozhi ...Petitioner in both Tr.C.M.Ps./Petitioner

vs.

P.Yoganandhan ...Respondent in both Tr.C.M.Ps./Respondent

Tr.C.M.P.No.700 of 2019 filed under Section 24 of C.P.C., to withdraw H.M.O.P.No.115 of 2019, pending on the file of the Sub Court, Tiruchengode and transfer the same to the file of the Family Court, Salem.

Tr.C.M.P.No.701 of 2019 filed under Section 24 of C.P.C., to withdraw O.S.No.15 of 2019, pending on the file of the District Munsif Court, Tiruchengode, and transfer the same to the file of the Sub Court, Salem.

For Petitioner in both Tr.C.M.Ps.: Mr.R.Thiagarajan

For Respondent in both Tr.C.M.Ps.: Mr.N.Anand

C O M M O N O R D E R

The Petitioner/wife has come up with the above Transfer Civil Miscellaneous Petitions seeking to transfer H.M.O.P.No.115 of 2019, pending on the file of the Sub Court, Tiruchengode to the file of the Family Court, Salem, and to transfer O.S.No.15 of 2019 pending on the file of the District Munsif Court, Tiruchengode, to the file of the Sub Court, Salem, respectively.

2. It is represented by the learned counsel for the Petitioner that the Respondent/husband is working abroad and that, O.S.No.15 of 2019 pending on the file of the District Munsif Court, Tiruchengode may be transferred to the file of the Sub Court at Salem, to be tried along with H.M.O.P.No.115 of 2019, which is pending on the file of the Sub Court, Tiruchengode.

3. Learned counsel appearing for the Respondent submitted that the Respondent/husband has objection to the same, as, in

the Domestic Violence case filed by the Petitioner in D.V.No.71 of 2018 pending before the Additional Mahila Court, Salem, the Petitioner/wife created a problem.

4. Learned counsel for the Petitioner submitted that, the Petitioner is interested in resolving the issue and assured that, there will not be any police complaint, unless and otherwise required. He further submitted that the Petitioner/wife will also take steps to transfer D.V.No.71 of 2018 pending on the file of the Additional Mahila Court, Salem to the file of the Sub Court at Salem, and will not proceed with the case, till then.

5. Even though, there is a Family Court at Salem, it is represented by the learned counsel for the parties that the parties are going to be represented by respective Lawyers and that, the matter may be tried at Sub Court, Salem instead of the Family Court at Salem.

6. In the result, the proceedings in H.M.O.P.No.115 of 2019 on the file of the Sub Court, Tiruchengode and the proceedings in O.S.No.15 of 2019 on the file of the District Munsif Court, Tiruchengode, are withdrawn and transferred to the file of the Sub Court at Salem, to be tried together.

7. The Petitioner/wife agreed to take steps to transfer D.V.No.71 of 2018 pending on the file of the Additional Mahila Court, Salem to the file of the Sub Court at Salem, by filing necessary Petition, so that, all the three cases are tried together and a composite order is passed.

8. The Transfer Civil Miscellaneous Petitions are allowed as indicated above. No costs. Consequently, connected C.M.P.No.19864 of 2019 in Tr.C.M.P.No.700 of 2019 and C.M.P.No.19866 of 2019 in Tr.C.M.P.No.701 of 2019 are closed.

Sd/-
Assistant Registrar (DR CJ conf)

//True Copy//

Sub Assistant Registrar

(jas/aeb)

To :

1. The Subordinate Judge, Tiruchengode
2. The District Munsif Court, Tiruchengode.
3. The Subordinate Judge, Salem.
4. The Family Court, Salem

+2cc to Mr.C.Prabakaran, Advocate SR.104232, 104233
+2cc to Mr.R.Thiagarajan, Advocate SR.104266, 104265

Common Order in
Tr. CMP Nos.700 & 701 of 2019

SR(CO)
CB(30/01/2020)



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