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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.07.2019

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

Tr.C.M.P.No.741 of 2018

S.Abirami

..

Petitioner

-vs-

L.Karthick

..

Respondent

Transfer Civil Miscellaneous Petition filed under Section 24 of the Code of Civil Procedure to withdraw the H.M.O.P.No.184 of 2018 on the file of the learned Principal Subordinate Judge, Tiruppur and transfer the same to the file of the Family Court, Erode.

For Petitioner :: Mr.C.S.Saravanan

For Respondent :: No appearance

ORDER

Mrs.S.Abirami, Wife of L.Karthick, the respondent herein has come to this Court seeking an order for withdrawal of the H.M.O.P.No.184 of 2018 filed by the respondent/husband under Section 13(1)(ia) of the Hindu Marriage Act, 1955 before the learned Principal Subordinate Judge, Tiruppur for dissolution of marriage that took place on 21.8.2015 and transfer the same to the file of the Family Court, Erode where the petitioner has filed M.C.No.37 of 2018 for maintenance so that both the matters can be tried together. Secondly, the petitioner, aged about 26 years, is unable to undertake a long journey from Tiruppur to Erode. In any case, since the maintenance case is pending on the file of Family Court, Erode, the respondent has to come and appear and contest the case. Therefore, if the H.M.O.P.No.184 of 2018 is also withdrawn and transferred to the Family Court, Erode, he can conveniently contest both the cases together and the parties also without loss of time can cooperate with the Court for disposal of the matters.

2. There is no representation on behalf of the respondent.

3. Since the petitioner has already filed M.C.No.37 of 2018 before the Family Court, Erode for maintenance, the



respondent/husband has to appear and contest the case before the said Court. Therefore, it is fit and proper to withdraw the H.M.O.P.No.184 of 2018 from the file of the Principal Sub Court, Tiruppur and transfer the same to the Family Court at Erode. Accordingly, the H.M.O.P.No.184 of 2018 pending on the file of the Principal Sub Court, Tiruppur is withdrawn and transferred to the Family Court, Erode for disposal on merits. The transfer civil miscellaneous petition stands allowed. Consequently, C.M.P.No.18043 of 2018 is closed.

Sd/-
Assistant Registrar(J)

//True Copy//

Sub Assistant Registrar

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To

1. The Principal Subordinate Judge
Tiruppur
2. The Judge,
Family Court,
Erode

Tr.C.M.P.No.741 of 2018

nr 20/08/2019