



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Date : 18.11.2019

CORAM

WEB COPY

THE HONOURABLE MS. JUSTICE P.T.ASHA

Tr.C.M.P.(MD)No.407 of 2019

and

C.M.P.(MD)No.9440 of 2019

Sumathi .. Petitioner/Respondent
Vs.

Prince Prabakar .. Respondent/Petitioner

Prayer : Petition is filed under Section 24 of Civil Procedure Code, to withdraw the proceedings in H.M.O.P.No.113 of 2018 on the file of the learned Subordinate Judge, Tiruchendur and transfer the same to the file of the learned Subordinate Judge, Uthamapalayam to be tried along with H.M.O.P.No.178 of 2019 pending on the file of learned Subordinate Judge, Uthamapalayam.

For Petitioner : Mr.G.Vanjinathan
For Respondent : No Appearance

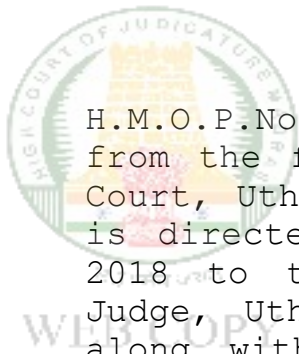
ORDER

The above Transfer Civil Miscellaneous Petition has been filed seeking to withdraw H.M.O.P.No.113 of 2018 filed by the respondent, for divorce, on the file of the Sub Court, Tiruchendur, to the file of the Subordinate Court, Uthamapalayam, to be tried along with H.M.O.P.No.178 of 2019, which is pending on his file.

2.The learned counsel appearing on behalf of the petitioner would submit that two minor children are in care and custody of the petitioner and that apart, the petitioner has to take care of her aged mother and she has to attend her work at Primary Health Centre, Uthamapalayam. He would further submit that the learned Subordinate Judge, Tiruchendur is insisting on the presence of the petitioner. He would submit that the husband is not even giving any maintenance for up-keeping and education of the children.

3.There is no representation for the respondent, despite the fact that the names of both counsel as well as the respondent has been printed in the case list.

<https://hcservices.ecourts.gov.in/hcservices/> 4.Considering the aforesaid facts, the petition in



H.M.O.P.No.113 of 2018 is ordered to be withdrawn and transferred from the file of the Sub Court, Tiruchendur, to the file of Sub Court, Uthamapalayam. The learned Subordinate Judge, Tiruchendur, is directed to transmit the entire records in H.M.O.P.No.113 of 2018 to the Sub Court, Uthamapalayam. The learned Subordinate Judge, Uthamapalayam, is directed to tag H.M.O.P.No.113 of 2018 along with H.M.O.P.No.178 of 2019 to conduct joint trial and dispose of the same on merits and in accordance with law.

5.This Transfer Civil Miscellaneous Petition is allowed accordingly. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CRL.SIDE)

// True Copy //

Sub Assistant Registrar (CS)

Mrn

To

1.The Subordinate Judge, Tiruchendur.

2.The Subordinate Judge, Uthamapalayam.

+1 CC to MR.G. VANJI NATHAN, Advocate (SR-99204[F] dated 18/11/2019)

Tr.C.M.P. (MD)No.407 of 2019

18.11.2019

KM/(18.12.2019) 2P 4C