



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 17.09.2019

CORAM

THE HONOURABLE MS.JUSTICE P.T. ASHA

TR.C.M.P. (MD)No.445 of 2017
and C.M.P (MD)No.8844 of 2017

Therikarasi

... Petitioner

Vs.

M.Jeyam

...Respondent

PRAYER:- Transfer Civil Miscellaneous Petition is filed under Section 24 of C.P.C to withdraw H.M.O.P No.340 of 2016 pending on the file of the 3rd Additional Subordinate Court, Madurai and transfer the same to be tried along with H.M.O.P.No.139 of 2017 on the file of Family Court, Madurai.

For Petitioner : Mr.R.G.Shankar Ganesh
For Respondent : No appearance

J U D G M E N T

The above transfer civil miscellaneous petition is filed by the wife seeking transfer of H.M.O.P.No.340 of 2016 filed by the respondent/ husband pending on the file of the III Additional Subordinate Judge, Madurai, to be tried along with H.M.O.P.No.139 of 2017 filed by the petitioner/wife.

2. Heard the learned counsel appearing on behalf of the petitioner. Though the name of the respondent is printed in the cause list, he has neither appeared in person nor through a counsel.

3. The only ground on which transfer sought for is that if both petitions be tried separately it would lead to conflicting judgments and would result in multiplicity of proceedings since cause of action in both the petitions are one and the same and therefore both petitions may be tried together.

4. From a perusal of records it is clear that the respondent/ husband has filed H.M.O.P at earlier point of time and therefore, interest of justice would be sub-served if H.M.O.P No.139 of 2017 on the file of the Family Court, Madurai, filed by the petitioner/wife, is withdrawn and transferred to the file of the III Subordinate Judge, Madurai, to be tried along with H.M.O.P.No.340 of 2016.



5. In the interest of justice, I am inclined to issue following directions:

i) The learned Judge, Family Court, Madurai, is directed to transmit the entire records in H.M.O.P.No.139 of 2017 to the file of the III Additional Subordinate Court, Madurai, within a period of two weeks from the date of receipt of copy of this order.

ii) the learned III Additional Subordinate Judge, Madurai, after obtaining the records on transfer, is directed to try both H.M.O.Ps and dispose of the same as expeditiously as possible in accordance with law.

6. In the result, this transfer civil miscellaneous petition is partly allowed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-II)

// True Copy //

Sub Assistant Registrar

To,

1.The Judge, Family Court,
Madurai.

2.The III Additional Subordinate Judge,
Madurai.

+1 CC to M/s.R.G SHANKAR GANESH, Advocate (SR-87265[F] dated 18/09/2019

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