

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.02.2020

CORAM:

THE HONOURABLE MR.JUSTICE S.VAIDYANATHAN

Transfer C.M.P.No.85 of 2020 and
C.M.P. No.3045 of 2020

Balaji @ Sabari

...Petitioner

vs.

Priyadharshini

...Respondent

Tr.C.M.P. filed under Section 24 of C.P.C., to withdraw H.M.O.P.No.78 of 2019 pending on the file of the Sub Court, Uthangarai and to transfer the same to the file of Family Court, Dharmapuri.

For Petitioner : Mr.V.Sakkarapani

For Respondent : Mr.J.Raja Rao

O R D E R

The petitioner herein/husband has filed the instant Transfer Civil Miscellaneous Petition seeking transfer of H.M.O.P. No.78 of 2019, filed by him before the Sub Court, Uthangarai, to the file of Family Court, Dharmapuri.

2. According to the Petitioner, the said petition has been filed for restitution of conjugal rights in H.M.O.P. No.78 of 2019 and summons were issued to the respondent herein by the Sub Court, Uthangarai, but the respondent is not ready to contest the case. According to him, the respondent herein/wife, has filed H.M.O.P. No.52 of 2019 on the file of Family Court, Dharmapuri, seeking divorce. As the respondent herein, is not ready to contest the petition for restitution of conjugal rights, petitioner has sought for transfer of his case to the court, where the case filed by the respondent is pending.

3. Heard the learned counsel for the parties. Learned counsel appearing for the Respondent submitted that, the Respondent has no objection to transfer the proceedings in H.M.O.P.No.78 of 2019 from the file of Sub Court, Uthangarai, to the file of Family Court, Dharmapuri.

4. Recording the submissions made by the learned counsel appearing for the Respondent, the proceedings in H.M.O.P.No.78 of 2019 is transferred from the file of Sub Court, Uthangarai

to the file of Family Court, Dharmapuri, for trial. The Family Court, Dharmapuri, is expected to conclude the trial, as expeditiously as possible, without adjourning the matter beyond 45 working days at any point of time, to bring the issue to a logical end.

5. The Transfer Civil Miscellaneous Petition is allowed as indicated above. No costs. Consequently, connected C.M.P.No.3045 of 2020 is closed.

Sd/-

Assistant Registrar (CS-III)

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Sub Assistant Registrar

(Asr)

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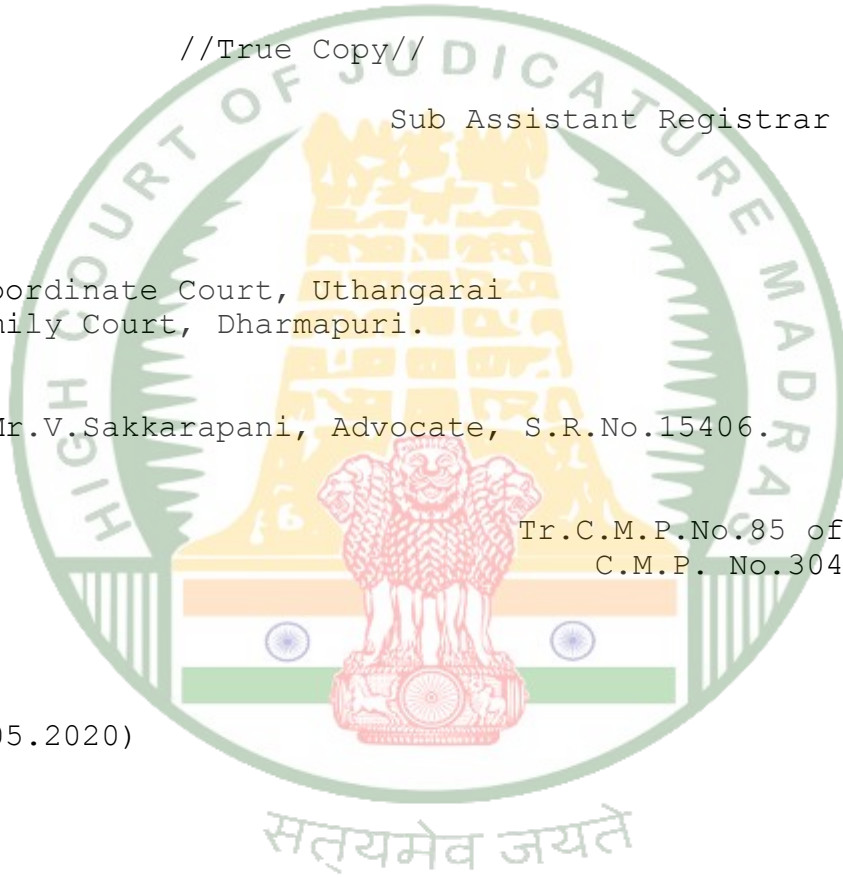
1. The Subordinate Court, Uthangarai
2. The Family Court, Dharmapuri.

+2ccs to Mr.V.Sakkarapani, Advocate, S.R.No.15406.

Tr.C.M.P.No.85 of 2020 and
C.M.P. No.3045 of 2020

VBA (CO)

VSI-2 (28.05.2020)



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