

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.03.2020

CORAM :

The HON'BLE MR.JUSTICE M.DURAI SWAMY

Tr.C.M.P.No.216 of 2020

and

C.M.P.No.6533 of 2020

K.Rajarajeshwari

... Petitioner/
Respondent

Vs.

P.Mohanraj

... Respondent/
Petitioner

Petition filed under Section 24 of the Code of Civil Procedure to withdraw and transfer H.M.O.P.No.136 of 2017 pending on the file of the Subordinate Court, Bhavani to the file of Additional Family Court, Coimbatore.

For Petitioner : Mr.P.Kalaiivanan

O R D E R

The petitioner, who is the wife of the respondent, has filed the above Transfer Civil Miscellaneous Petition to withdraw and transfer the H.M.O.P.No.136 of 2017 pending on the file of the Subordinate Court, Bhavani to the file of the Additional Family Court, Coimbatore.

2.Even according to the petitioner, the distance between Bhavani and Coimbatore is 120 kms.

3.It is also evident from the available records that the Original Petition was filed before the Subordinate Court, Bhavani as early as in the year 2017. The petitioner was contesting the Original Petition before the Subordinate Court, Bhavani for the past three years. When the Original Petition is about to be taken up for trial, the petitioner has come forward to file the present Transfer Civil Miscellaneous Petition seeking for transferring the H.M.O.P. to the file of the Additional Family Court, Coimbatore.

4. Since the matter is pending for three years before the Subordinate Court, Bhavani and the Original Petition is also ripe for trial, I am of the view that it would be suffice to direct the Subordinate Court, Bhavani to dispose of the matter within a time frame instead of transferring the same to the file of the Additional Family Court, Coimbatore. In such view of the matter, the Transfer Civil Miscellaneous Petition is dismissed. I direct the Subordinate Judge, Bhavani, to dispose of the Original Petition in H.M.O.P.No.136 of 2017 on merits and in accordance with law, within a period of four months from the date of receipt of a copy of this order. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

va

To

1. The Subordinate Court, Bhavani.
2. The Addl. Family Court, Coimbatore.

Tr.C.M.P.No.216 of 2020
and C.M.P.No.6533 of 2020

BS (CO)
RPP (19/03/2020)

सत्यमेव जयते

WEB COPY