



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated: 24.06.2020

CORAM

THE HONOURABLE Mrs. JUSTICE R.THARANI

TR C.M.P (MD) No.114 of 2020

and

C.M.P(MD) No.2261 of 2020

WEB COPY

R.Suganthi

...Petitioner/Respondents

-Vs-

Pradaph

...Respondent/Petitioner

Prayer: Transfer Civil Miscellaneous Petition is filed under Section 24 of the Code of Civil Procedure, to withdraw the case in F.C.O.P.No.8 of 2019 pending on the file of the Family Court, Erode and transfer the same to the Additional Subordinate Court, Karur within the time stipulated by this Court.

For Petitioner	:	Mr.R.Alagumani
For Respondent	:	Mr.R.Prabakar

O R D E R

This Transfer Civil Miscellaneous Petition is filed seeking to transfer the case in F.C.O.P.No.8 of 2019 on the file of the Family Court, Erode, to the file of the Additional Subordinate Court, Karur.

2. On the side of the petitioner, it is stated that the petitioner / wife is now residing with her parents in Karur District and she has filed a petition, seeking for restitution of conjugal right, in H.M.O.P.No.74 of 2019, which is pending, on the file of the IV Additional Subordinate Court, Karur. The respondent/ husband filed a divorce petition in F.C.O.P.No.8 of 2019 pending before the Family Court, Erode and she finds it difficult to attend the Court at Erode and she is depending upon her parents and hence, prayed F.C.O.P.No.8 of 2019, on the file of the Family Court, Erode, to be transferred to the IV Additional Subordinate Court, Karur.

3. It is stated that there is a H.M.O.P. petition pending before the IV Additional Subordinate Judge, Karur, in H.M.O.P.No.74 of 2019. Any how, the respondent / husband has to appear before the Court at Karur, to attend the H.M.O.P case against him.

4. In the above circumstances, no prejudice will be caused to the respondent in transferring the case to Karur. Hence, this Transfer Civil Miscellaneous Petition is allowed, F.C.O.P.No.8 of 2019 is withdrawn from the file of the Family Court, Erode and is transferred to the IV Additional Subordinate Court, Karur.



5. The Family Court, Erode, is directed to transmit the entire records, in F.C.O.P.No.8 of 2019, to the IV Additional Subordinate Court, Karur.

6. The IV Additional Subordinate Court, Karur, is hereby directed to issue sufficient notice to the respondent after the case is transferred and renumbered and also to tag F.C.O.P.No.8 of 2019 along with H.M.O.P.No.74 of 2019, which is pending on his file, to conduct joint trial. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (AD-II)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

Is

To

1.The Judge, Family Court,
Erode.

2.The IV Additional Subordinate Judge,
IV Additional Subordinate Court,
Karur.

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