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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 31.08.2021

CORAM:

THE HONOURABLE MR.JUSTICE A.A.NAKKIRAN

Tr.C.M.P.No.247 of 2021
and
C.M.P.No.6891 of 2021

[Through video conferencing]

Suriya ...Petitioner/Respondent
Vs.

K.Saravanan ...Respondent/Petitioner

PRAYER: Transfer Civil Miscellaneous Petition is filed under Section 24 of the Code of Civil Procedure, to withdraw the petition in H.M.O.P.No.1 of 2021 on the file of the Subordinate Court, Tittagudi and transfer the same to the file of the Additional Family Court, Coimbatore and tried along with M.C.No.6 of 2021.

For Petitioner : Mr.L.Mouli
For Respondent : Mr.S.Venkatesh

O R D E R

The present Transfer Civil Miscellaneous Petition is filed to withdraw the petition in H.M.O.P.No.1 of 2021 on the file of the Subordinate Court, Tittagudi and transfer the same to the file of the Additional Family Court, Coimbatore and tried along with M.C.No.6 of 2021.

2.The respondent/husband has filed H.M.O.P.No.1 of 2021 before the Subordinate Court, Tittagudi for divorce. The petitioner/wife has filed M.C.No.6 of 2021 before the Additional Family Court, Coimbatore for maintenance.

3.The learned counsel for the petitioner/wife submitted that the petitioner is having 5 years old child. The distance between Coimbatore and Tittagudi is around 300 Kms. He would submit that since the petitioner is being a lady she was unable to travel from Coimbatore to Tittagudi for attending the Court on every hearing in H.M.O.P.No.1 of 2021 on the file of the Subordinate Court at Tittagudi. Therefore she seeks to transfer



the case in H.M.O.P.No.1 of 2021 from the file of the Subordinate Court at Tittagudi to the file of the Additional Family Court, Coimbatore tried along with M.C.No.6 of 2021 pending on the file of the Additional Family Court at Coimbatore.

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4.The learned counsel appearing for the respondent has strongly opposed for transferring the case. However, he submitted that if this Court feels to transfer the case, the same may be transferred to any centre place.

5.Heard the learned counsel on either side and perused the materials available on record.

6.This Court is satisfied with the reasons stated in the affidavit filed in support of this petition. Further, since two cases are pending from two different Courts i.e., the wife filed a petition for maintenance and the husband filed an application for divorce, to avoid multiplicity of proceedings and conflicting judgments, both the cases have to be tried before a single Judge.

7. Considering the facts and circumstances of the case and considering the submission made by the learned counsel on either side, H.M.O.P.No.1 of 2021 is withdrawn from the file of the Subordinate Court, Tittagudi and transferred to the file of the Additional Family Court, Coimbatore to be tried along with M.C.No.6 of 2021 for disposal as per law. The learned Subordinate Judge, Tittagudi, is directed to transmit the papers to the Additional Family Court, Coimbatore forthwith. The learned Additional Family Judge, Additional Family Court, Coimbatore is directed to dispose of H.M.O.P.No.1 of 2021 along with M.C.No.6 of 2021 on merits and in accordance with law as expeditiously as possible.

8.In fine, this Transfer Civil Miscellaneous Petition is allowed. No costs. Consequently, the connected miscellaneous petition is also closed.

Sd/-

Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

ssi



To:

1. The Subordinate Court, Tittagudi.
2. The Additional Family Court, Coimbatore.

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+1cc to Mr.S.Venkatesh, Advocate, S.R.No.44220

+1cc to Mr.L.Mouli, Advocate, S.R.No.43494

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AK II(CO)
KKV/09/09/2021