



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.06.2022

CORAM

THE HONOURABLE MRS. JUSTICE J. NISHA BANU

TR CMP No. 147 of 2019
and
CMP No. 4943 of 2019

Dr. Poornachandran

...Petitioner

Vs.

Dr. S. Baby

...Respondant

Prayer:

Transfer CMP is filed under Section 24 of Civil Procedure Code, praying to withdraw the HMOP NO. 24 of 2018 pending on the file of the Sub Court, Bhavani, and transfer the same to Family Court, Erode.

For Petitioner : Mr. I. C. Vasudevan

For Respondent : No appearance.

ORDER

This petition has been filed praying to withdraw HMOP No.24 of 2018 pending on the file of the Sub Court, Bhavani, and transfer the same to Family Court, Erode.

2. The petitioner has filed F.C.O.P. No.412 of 2017 for divorce before the Family Court, Erode, against the respondent/wife and the respondent/wife has filed H.M.O.P No.24 of 2018 for restitution of conjugal rights before the Sub Court, Bhavani.

3. Today, when the matter is taken up for hearing, the learned counsel for the petitioner would submit that he does not have any objection in transferring the petition filed by him before the Family Court, Erode, in F.C.O.P. No.412 of 2017 to Sub Court, Bhavani, where the respondent/wife has filed H.M.O.P No.24 of 2018 for restitution of conjugal rights, as it will be convenient for both the parties for early disposal of the matter.

4. Considering the submissions made by the learned counsel



for the petitioner, F.C.O.P. No.412 of 2017 filed by the petitioner for divorce before the Family Court, Erode, against the respondent/wife is transferred to the Sub Court, Bhavani, to be heard along with H.M.O.P No.24 of 2018, which has been filed by the respondent/wife for restitution of conjugal rights as they are interrelated to each other. Accordingly, this Transfer Civil Miscellaneous Petition is disposed of with the following directions:

- i. The learned Family Court Judge, Erode, is directed to transmit the entire records in F.C.O.P. No.412 of 2017, to the file of the Subordinate Judge, Bhavani, within a period of two weeks from the date of receipt of a copy of this order.
- ii. The learned Subordinate Judge, Bhavani, after obtaining the records on transfer, is directed to tag F.C.O.P. No.412 of 2017 along with H.M.O.P No.24 of 2018 pending on his file, conduct joint trial and dispose of the same on merits and in accordance with law, as expeditiously as possible, preferably within a period of six months from the date of receipt of records.

5. With the above directions, this Transfer Civil Miscellaneous Petition is disposed of. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS-VII)

//True Copy//

Sub Assistant Registrar

bga

To

1. The Judge,
The Family Court, Erode.
2. The Sub Ordinate Judge, Bhavani.

+1cc to Mr.I.C.Vasudevan, Advocate, S.R.No.36122

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NRL (CO)
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