



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.03.2022

CORAM:

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Tr.C.M.P.No.192 of 2021
and
C.M.P.No.5665 of 2021

M.Rashma Mufina

.. Petitioner

Vs.

N.Mohammed Raffic

.. Respondent

PRAYER: Transfer Civil Miscellaneous Petition filed under Section 24 of Code of Civil Procedure, praying to withdraw the proceedings in O.S.No.110 of 2019 on the file of the District Munsif Court, Pollachi, and, transfer the same to be tried along with G.W.O.P.No.5 of 2020 on the file of the Family Court, Erode.

For Petitioner : Mr.V.Rajesh

For Respondent : Mr.S.Mukunth

O R D E R

This Transfer Civil Miscellaneous Petition has been filed by the wife seeking for the transfer of the proceedings in O.S.No.110 of 2019 on the file of the District Munsif Court, Pollachi, to be tried along with GWOP.No.5 of 2020 pending on the file of the Family Court, Erode.

2. Heard Mr.V.Rajesh, learned counsel for the petitioner and Mr.S.Mukunth, learned counsel for the respondent.

3. The case of the petitioner is that she got married with the respondent during the year 2014 and there was a girl child out of the said wedlock. There was some misunderstanding between the parties and hence, the respondent filed O.S.No.110 of 2019 before the District Munsif Court, Pollachi praying for the dissolution of the marriage. The petitioner has filed a written



statement and is defending the said proceedings.

4. The respondent filed yet another petition in GWOP.No.5 of 2020 on the file of the Family Court, Erode praying for the custody of the minor daughter. The petitioner is also defending herself before the Family Court.

5. The petitioner has stated in the affidavit filed in support of the Transfer Petition that she along with her minor daughter are residing at Erode and there is already proceeding pending before the Family Court, Erode between the same parties and hence has sought for the transfer of proceedings in O.S.No.110 of 2019 pending on the file of the District Munsif Court, Pollachi, to be tried along with the pending Guardian OP before the Family Court, Erode.

6. In the considered view of this Court, the parties are already attending proceedings before the Family Court, Erode and the matrimonial dispute between the petitioner and respondent can also be tried before the same Court. The proceedings are interconnected and two Courts dealing with same issue may lead to multiplicity of proceedings. That apart the Family Court is also competent to try divorce proceedings between the parties.

7. In view of the above, this Court is inclined to allow this petition and consequently the proceedings in O.S.No.110 of 2019, on the file of District Munsif Court, Pollachi, is withdrawn and transferred to the file of the Family Court, Erode to be tried along with GWOP.No.5 of 2020. The District Munsif, Pollachi, is directed to immediately transfer the entire records to the file of the Family Court, Erode, in order to ensure expeditious disposal of the cases.

8. This transfer civil miscellaneous petition is disposed of with the above directions. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS-V)

// True Copy //

Sub Assistant Registrar

dsa



To

1. The Family Court Judge, Erode.
2. The District Munsif, Pollachi.

+lcc to Mr.V.Rajesh, Advocate SR.No.14735

+lcc to M/s.Sarvabhauman Associates, Advocate SR.No.14813

Tr.C.M.P.No.192 of 2021

SPD (CO)
CB (22/03/2022)