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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.03.2022

CORAM

THE HONOURABLE MS. JUSTICE P.T.ASHA

TR.C.M.P.NO.496 OF 2021

AND

C.M.P.NO.13382 OF 2021

Bhuvaneshwari

... Petitioner/Respondent

-Vs-

Mohan

... Respondent/Petitioner

PRAYER:

Petition filed under Section 24 of the Code of Civil Procedure, to withdraw the H.M.O.P.No.56 of 2020 on the file of the learned Subordinate Judge, Rasipuram, to the learned Judge, Family Court, Erode to be tried along with the F.C.O.P.No.57 of 2021 pending on the file of the learned Judge, Family Court Erode.

For Petitioner : Mr.M. Guruprasad

For Respondent : Ms.D. Geetha

ORDER

The respondent/husband has withdrawn the Transfer Civil Miscellaneous Petition filed by him in Tr.C.M.P.No.219 of 2021.

2.The petitioner/wife has filed Tr.C.M.P.No.496 of 2021 seeking transfer of H.M.O.P.No.56 of 2020 on the file of the learned Subordinate Judge, Rasipuram, filed by the husband to the learned Judge, Family Court, Erode to be tried along with F.C.O.P.No.57 of 2021. It is also now informed by the learned counsel for the petitioner/wife that the wife has filed M.C.No.34 of 2020 seeking maintenance and G.W.O.P.No.468 of 2021 on the file of the learned Judge, Family Court, Erode.

3.The learned counsel for the respondent/husband would submit that the Court may consider to dispense with his presence



for all the hearings since the matter has been now transferred to the learned Sub Judge, Family Court, Erode, where the presence of the parties are required for every hearings.

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4. Therefore, in the interest of justice, the Transfer Civil Miscellaneous Petition is allowed, withdrawing the proceedings in H.M.O.P.No.56 of 2020 on the file of the learned Sub Judge, Rasipuram and transferred to the file of the learned Judge, Family Court, Erode, tried along with F.C.O.P.No.57 of 2021, M.C.No.34 of 2020 and G.W.O.P.No.468 of 2021 subject to the condition that the learned Judge, Family Court, Erode, shall not insist on the presence of the respondent/husband for every hearing except for attending the counselling sessions and for adducing evidence. No costs. Consequently, connected Miscellaneous Petition is closed. All the three matters shall be taken up together and orders passed. It is needless to state that the Court shall endeavour to dispose of the Maintenance Case before the other two petitions taken on.

Sd/-

Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

mps

To

1. The Subordinate Judge,
Rasipuram.
2. The Judge,
Family Court,
Erode.

+1cc to Mr.M. Guruprasad , Advocate, S.R.No.15256

Tr.C.M.P.No.496 of 2021
and
C.M.P.No.13382 of 2021

SJ(CO)
PM/06/04/2022