



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.06.2022

CORAM:

THE HONOURABLE MRS.JUSTICE S.KANNAMMAL

Tr.C.M.P.No.657 of 2021
and C.M.P.No.16429 of 2021

M.Hindumathi

... Petitioner

-vs-

M.Thiyagarajan

... Respondent

Transfer Civil Miscellaneous Petition is filed under Section 24 (1) of the Code of Civil Procedure, to order for withdraw and transfer of H.M.O.P.No.56 of 2020 pending on the file of the Sub-Court, Karur, Karur District to the Family Court at Coimbatore for joint trial along with H.M.O.P.No.791 of 2020.

For Petitioner : Mr.T.Elumalai

For Respondent : No appearance

ORDER

The present Transfer Civil Miscellaneous Petition is filed to withdraw and transfer of H.M.O.P.No.56 of 2020 pending on the file of the Sub-Court, Karur, Karur District to the Family Court, Coimbatore for joint trial along with H.M.O.P.No.791 of 2020.

2.The respondent/husband has filed H.M.O.P.No.56 of 2020 before the Sub-Court, Karur, Karur District for divorce. The petitioner/wife has filed H.M.O.P.No.791 of 2020 before the Family Court, Coimbatore for divorce.

3.The learned counsel for the petitioner/wife submitted that the petitioner is residing at Coimbatore with her aged parents and she finds it very difficult to travel from Coimbatore to Karur District for attending the Court on every hearing in H.M.O.P.No.56 of 2020 on the file of the Sub-Court, Karur, Karur District.

4.Heard the learned counsel for the petitioner. Despite sufficient opportunity given to the respondent, there was no representation even today on behalf of the respondent. Hence, this Court is inclined to pass orders on merits.



5. 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 divorce and also the husband filed a petition for divorce, to avoid multiplicity of proceedings and conflicting judgments, both the cases have to be tried together before a single Judge.

6. Considering the facts and circumstances of the case and considering the submission made by the learned counsel for the petitioner, H.M.O.P.No.56 of 2020 is withdrawn from the file of the Sub-Court at Karur, Karur District, and transferred to the file of the Family Court, Coimbatore to be tried along with H.M.O.P.No.791 of 2020 for disposal as per law. The learned Sub-Judge, Karur, Karur District, is directed to transmit the papers to the Family Court, Coimbatore forthwith. The learned Sub-Judge, Karur, Karur District is directed to dispose H.M.O.P.No.56 of 2020 along with H.M.O.P.No.791 of 2020 on merits and in accordance with law as expeditiously as possible.

7. Accordingly, this petition is allowed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS-IX)

//True copy//

Sub Assistant Registrar

gbi

To:

1. The Sub Judge,
The Sub-Court, Karur, Karur District.

2. The Judge,
The Family Court, Coimbatore.

+1cc to Mr.T.Elumalai, Advocate SR.No.38015

+1cc to Mr.M.Muruganantham, Advocate SR.No.37360

Tr.C.M.P.No.657 of 2021

ER(CO)
GMY(01/07/2022)