



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.04.2022

CORAM

THE HONOURABLE MS. JUSTICE P.T.ASHA

Tr.CMP. No.852 of 2021
and
C.M.P.No.19335 of 2021

G. Dhivyaprabha ... Petitioner/Respondent.
Vs
K. Kanagaraj ... Respondent/Petitioner.

PRAYER: Petition filed under Section 24 of the Code of Civil Procedure, to order of withdrawal of HMOP NO.35 of 2021 pending on the file of the Court of Subordinate Judge, Tiruchengode and transfer the same to try the case in Family Court in Erode.

For Petitioner : Mr.V.Balamurugane
For Respondent : Mr.R.Marudhachalamurthy

ORDER

The respondent/wife in a petition for restitution of conjugal rights filed by the husband on the file of the Subordinate Court, Tiruchengode in H.M.O.P.No.35 of 2021 is the petitioner before this Court. The petitioner seeks to withdraw the above proceedings pending on the file of the Subordinate Court, Tiruchengode and transfer the same to the file of the Family Court, Erode.

2. Although the wife has filed an application for transferring H.M.O.P. No.35 of 2021 pending on the file of the Sub Court, Tiruchengode to the Family Court at Erode, It is informed by the learned counsel appearing for the respondent that the Sub Court, Gobichettipalayam is much closer to the place of residence of the petitioner. This is not refuted by the counsel appearing for the petitioner. Therefore, HMOP No.35 of 2021 is withdrawn from the file of the Subordinate Court, Tiruchengode and transferred to the file of the Sub Court, Gobichettipalayam to be tried along with HMOP No.131 of 2020 filed by the petitioner for divorce.



3. In the light of the above, the petitioner undertakes to withdraw Transfer Civil Miscellaneous Petition No.305 of 2022 which is pled to transfer HMOP No.131 of 2020 from the file of the Subordinate Court, Gobichettipalayam to the Family Court, Erode.

4. With the above direction, the Transfer Civil Miscellaneous Petition is allowed and H.M.O.P. No.35 of 2021, pending on the file of the Sub Court, Tiruchengode is withdrawn and transferred to the file of the Sub Court, Gobichettipalayam to be tried along with H.M.O.P.No.131 of 2020. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

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To

1. The Subordinate Judge,
Tiruchengode.
2. The Subordinate Judge,
Gobichettipalayam.
3. The Family Court,
Erode.

+1cc to Mr.V.Balamurugane, Advocate, S.R.No.26210
+1cc to Mr.R.Marudhachalamurthy, Advocate, S.R.No.26315

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NSK/26/05/2022