



Tr.C.M.P.No.182 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17.04.2023

CORAM:

THE HONOURABLE DR. JUSTICE D.NAGARJUN

Tr.C.M.P.No.182 of 2023

and

C.M.P.Nos.4089 & 4104 of 2023

K.B.Vasanth

.. Petitioner

Vs.

1. Pradeepa

2. Minor Jakathvishnu

Rep by next friend mother

Pradeepa, the 1st respondent

.. Respondents

This Petition filed under Section 24 of the Code of Civil Procedure seeking to withdraw the case in H.M.O.P.No.37 of 2021 pending on the file of the Subordinate Court, Omalur and M.C.No.10 of 2022 pending on the file of the Judicial Magistrate, Omalur and transfer the same to the Family Court, Salem for joint trial and disposal.

For Petitioner : Mr.P.Mani

For Respondent : Mr.M.R.Jothimanian



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ORDER

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The present Transfer Civil Miscellaneous Petition is filed to withdraw the case in H.M.O.P.No.37 of 2021 pending on the file of the Subordinate Court, Omalur and also M.C.No.10 of 2022 pending on the file of the Judicial Magistrate, Omalur and transfer the same to the Family Court, Salem for joint trial.

2. Heard the learned counsel appearing for the petitioner as well as the learned counsel on record for the respondent. Considering the circumstances in order to avoid multiplicity of litigation, divergent findings and observations in order to avoid inconvenience to the parties, it is desirable that both the cases be tried by same Court either jointly or simultaneously. Thereby, H.M.O.P.No.37 of 2021 is withdrawn from the file of the Subordinate Court, Omalur and transferred to the file of the Family Court, Salem. The learned Subordinate Judge, Omalur is directed to transmit the case records of H.M.O.P.No.37 of 2020 to the Family Court, Salem. The Judicial Magistrate, Omalur is also directed to transmit the case records in M.C.No.10 of 2022 to the Family Court, Salem forthwith. The learned Family Judge, Salem is directed to dispose H.M.O.P.No.37 of 2021 and M.C.No.10 of 2022 on merits and in accordance with law as



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expeditiously as possible preferably within a period of six months from the date of receipt of a copy of this order. Further, the petitioner is hereby directed to pay an amount of Rs.1,500/- on each day of appearance of the respondent in the proceedings at Family Court, Salem in H.M.O.P.No.37 of 2021 and M.C.No.10 of 2022.

4. It is submitted by the learned counsel for the respondent that the petitioner has to return the jewels and other articles belonging to the respondent and sought for a direction to the petitioner. Considering the same, in case if any application is filed by the respondent for return of jewels and other articles, the same has to be considered as merits as per law.

5. With the above observation, the Transfer Civil Miscellaneous Petition is disposed of. No costs. Consequently, the connected miscellaneous petitions stands closed.

17.04.2023

ssi
Index:Yes/No
Speaking Order:Yes/no
Neutral Citation Case:Yes/No

Dr. D. NAGARJUN, J.



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- To
1. The Subordinate Judge, Omalur.
 2. The Judicial Magistrate, Omalur.
 3. The Family Judge, Salem.

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and
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