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Tr. CMP. No.592 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.12.2023

CORAM :

THE HONOURABLE MRS.JUSTICE T.V.THAMILSELVI

TR.CMP No.592 of 2023
and C.M.P.No.14816 of 2023

Kalpana @ Yogashri

.... Petitioner

-Vs-

S.Dineshkumar

.... Respondent

Prayer : Transfer Civil Miscellaneous Petition is filed under Section 24 of C.P.C., to withdraw the H.M.O.P.No.163 of 2019 on the file of the Sub Ordinate Court, Tiruchengode, and transfer the same to the Family Court, Erode and to try along with FCOP.No.274 of 2023 pending on the file of the Family Court, Erode.

For Petitioner : Mr.M.Guruprasad

For Respondent : Mr.R.Vivekanandan



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ORDER

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This petition has been filed by the petitioner seeking to withdraw the H.M.O.P.No.163 of 2019 on the file of the Sub Ordinate Court, Tiruchengode, and transfer the same to the Family Court, Erode and to try along with FCOP.No.274 of 2023 pending on the file of the Family Court, Erode.

2. The learned counsel for the petitioner submitted that the marriage between the petitioner and the respondent was solemnized on 20.05.2018 and they having girl child. He further submitted that the petitioner has been tortured at the hands of the respondent and his family members. Thereafter, the respondent filed a petition for divorce in HMOP.No.163 of 2019 on the file of the Subordinate Court, Tiruchengode on the ground of cruelty and the petitioner entered appearance and filed her counter statement. Further, the petitioner filed a petition for restitution of conjugal rights in FCOP.No.274 of 2023 before the Family Court, Erode. Both cases are pending. He further submitted that the petitioner is living with her aged mother without source of income and it is very difficult to attend the Court hearing at Tiruchengode along with child. Hence, he prays to allow this petition.



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3.The learned counsel for the respondent has raised formal objections in allowing the petition.

4. Considering the facts and circumstances of the case and also the fact that the petitioner living with her aged mother without source of income and the reason stated by the petitioner and the same is justifiable. Accordingly, the present Tr.C.M.P. is allowed and the HMOP.No.163 of 2019 pending on the file of the Sub Ordinate Court, Tiruchengode, is withdrawn and transferred to the file of the Family Court, Erode, to try along with FCOP.No.274 of 2023. Consequently, connected miscellaneous petition is closed. No costs.

5. The Family Court, Erode, is directed to dispose of the cases in HMOP.No163 of 2019 and FCOP.No.274 of 2023 within a period of five months from the date of receipt of a copy of this order.

14.12.2023

Speaking / Non Speaking order

Neutral Citation : Yes/No

Index :Yes/No

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T.V.THAMILSELVI, J.

msrm

To

1.The Subordinate Court, Tiruchengode.

2.The Family Court, Erode.

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and C.M.P.No.14816 of 2023

14.12.2023