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Tr.C.M.P.Nos.95 and 99 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.04.2024

CORAM

THE HON'BLE MR.JUSTICE V. LAKSHMINARAYANAN

Tr.C.M.P.Nos.95 and 99 of 2024 and
C.M.P.No.2257 and 2304 of 2024

M.Sivashankar ... Petitioner in both cases

Vs

G.Abhirami ... Respondents in both cases

Prayer : Petitions filed under Section 24 of the Code of Civil Procedure praying to withdraw the H.M.O.P.Nos.755 and 754 of 2020 on the file of the learned Family Court, Tiruppur and to transfer the same to any one of the learned Family Courts at Coimbatore.

For Petitioner : Mr.N.Manoharan

For Respondents : Mr.Ma.P.Thangavel

COMMON ORDER

The proceedings are at an advance stage of disposal. The examination of the petitioner side has been completed. It was posted for the examination of the respondent. Three witnesses on the side of the respondent have been examined and the 4th witness was in the witness box. He had given his examination in chief and at that time, he received an intimation that his father is seriously ill and has been admitted in the hospital.



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WEB COPY 2. Learned counsel for the transfer petitioner, who is also the petitioner in the divorce proceeding, insisted upon the Court not to adjourn the matter and to permit him cross examine R.W.4.

3. The learned Judge, taking into consideration the reasonable request made by the 4th respondent, was inclined to adjourn the matter. This resulted in an avoidable skirmish between the learned counsel and the Presiding Officer. The Presiding Officer, hence, stopped the proceedings and permitted the parties to take appropriate steps.

4. When the matter came up before this Court on 14.02.2024, remarks were called for from the learned Family Judge at Tiruppur. The Family Judge has sent a report which is convincing.

5. However, taking into consideration the fact that the petitioner before the Trial Court instead of litigating with his wife has commenced a litigation with the learned Presiding Officer, I am of the view that in order to render complete justice, and taking into consideration the report submitted by the learned Presiding Officer dated 07.03.2024, it will be



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better if the proceedings are heard by a different officer. This order does not cast any aspersions on the integrity or the manner in which the learned Presiding Officer has carried on with the trial of H.M.O.P.Nos.754 and 755 of 2020. The transfer is being ordered as the learned Presiding Officer herself has expressed disinclination to continue further in the matter.

6. Accordingly, H.M.O.P.Nos.754 and 755 of 2020 are withdrawn from the file of the Family Court at Tiruppur and are transferred to the file of the Principal Subordinate Judge at Tiruppur. The learned Principal Subordinate Judge is requested to give priority to the matter and dispose of the same as the matrimonial dispute is pending for nearly a decade. Both sides are agreeable to the present course of action.

7. Accordingly, both the Tr.C.M.Ps. are allowed. No costs. Consequently, connected miscellaneous petitions are closed.

17.04.2024

Index : Yes/No

Speaking Order : Yes/No

Neutral Citation : Yes/No

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V. LAKSHMINARAYANAN, J.

Sgl

To

1.The Family Court, Tiruppur.

2.The Principal Subordinate Court,
Tiruppur.

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