



Tr.C.M.P.No.416 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.04.2024

CORAM :

THE HONOURABLE MR.JUSTICE V.LAKSHMINARAYANAN

Tr.C.M.P.No.416 of 2023

and

C.M.P.No.9250 of 2023

S.Nandha Kumar

.. Petitioner

Vs.

C.Sathya

.. Respondent

Prayer: Transfer Civil Miscellaneous Petition is filed under Section 24 of the Code of Civil Procedure, 1908, to withdraw H.M.O.P.No.20 of 2023 pending on the file of the Subordinate Court, Rasipuram and transfer the same to the file of the Family Court, Erode and try the same along with F.C.O.P.No.330 of 2022 pending on the file of the Family Court, Erode by appreciating the above said facts and circumstances of the case.

For Petitioner : Mr.S.Arunprasath

For Respondent : Ms.P.Selvi

ORDER

This transfer petition has been filed seeking transfer of the proceedings in H.M.O.P.No.20 of 2023 from the file of the Subordinate Court, Rasipuram to the file of the Family Court, Erode to be tried along with F.C.O.P.No.330 of



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2. The petitioner and the respondent got married on 12.09.2019 at Namakkal District. Subsequently, the parties had fallen apart and they are before the Subordinate Court, Rasipuram in H.M.O.P.No.20 of 2023. There were no children from the marriage.

3. The petitioner, who is a resident of Kodumudi, Erode District has already initiated the matrimonial proceedings in F.C.O.P.No.330 of 2022 before the Family Court, Erode.

4. Ms.P.Selvi, learned counsel appearing for the respondent would state that the respondent's father is a daily wager and that she finds difficulty in travelling from Rasipuram to Erode for the sake of contesting matrimonial proceedings.

5. Taking into consideration the difficulty expressed by the respondent and also to the fact that if the case is before the Subordinate Court, Rasipuram, the petitioner can contest the proceeding with the benefit of a counsel, and in order to avoid conflicting judgments, it is better that the cases are heard by the



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same Court. Hence, the proceeding in F.C.O.P.No.330 of 2022 which is now pending before the Family Court, Erode is withdrawn and it shall stand transferred to the file of the Subordinate Court, Rasipuram, and shall be heard and tried along with H.M.O.P.No.20 of 2023.

6. In the light of the above, the Transfer Civil Miscellaneous Petition is dismissed. No costs. Connected Civil Miscellaneous Petition is closed.

16.04.2024

Index : Yes/No
Internet : Yes/No
Speaking Order/Non-Speaking Order
Neutral Citation : Yes/No
arb

To

1.The Subordinate Court,
Rasipuram.

2.The Family Court,
Erode.

V. LAKSHMINARAYANAN, J.

arb



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