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Tr.C.M.P.No.622 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.10.2025

CORAM

THE HONOURABLE MR.JUSTICE M.JOTHIRAMAN

**TR CMP No.622 of 2025
and C.M.P.No.14948 of 2025**

Dilipkumar

...Petitioner

VS

Vanitha

...Respondent

Prayer: Transfer Civil Miscellaneous Petition filed under Section 24 of C.P.C. to withdraw H.M.O.P.No.9 of 2024 on the file of the Subordinate Court, Omalur, Salem District and transfer to Family Court, Salem.

For Petitioner(s): Mr.T.Dhasarathan

For Respondent(s): No Appearance



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ORDER

WEB COPY This petition has been filed to withdraw H.M.O.P.No.9 of 2024 pending on the file of the Subordinate Court, Omalur, Salem District, and transfer the same to the file of the Family Court, Tiruppur.

2. Heard Mr.T.Dhasarathan, learned counsel for the petitioner.

3. The learned counsel appearing for the petitioner would submit that the respondent has not chosen to enter appearance before this Court despite service of notice.

4. It is seen that service of notice has been completed on the respondent and the name of the respondent is also printed in the cause list today. The respondent was called absent and set *ex parte*.

5. The learned counsel appearing for the petitioner would submit that the petitioner/husband filed a petition in H.M.O.P.No.575



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of 2021 on the file of the Family Court, Salem seeking dissolution of marriage on the ground of cruelty whereas the respondent-wife filed H.M.O.P.No.9 of 2024 on the file of the Subordinate Court, Omalur, Salem District for restitution of conjugal rights.

6. Though the prayer in this petition is for transfer of H.M.O.P.No.9 of 2024 pending on the file of the Subordinate Court, Omalur to the file of the Family Court, Salem, in order to avoid conflicting judgments, the learned counsel for the petitioner submits that H.M.O.P.No.575 of 2021 filed by the petitioner-husband may be transferred to the file of the Subordinate Court, Omalur, Salem District to be tried along with H.M.O.P.No.9 of 2024, filed by the respondent-wife.

7. Considering the above submissions and in the interest of justice, this Court is inclined to modify the relief sought for in this petition. Accordingly, H.M.O.P. No. 575 of 2021 is hereby withdrawn



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from the file of the Family Court, Salem, and transferred to the file of the Subordinate Court, Omalur, Salem District. Consequently, this transfer civil miscellaneous petition stands disposed of. No costs. Connected C.M.P. is closed.

09.10.2025

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Index: Yes/No

Speaking/Non-speaking order

Internet: Yes;

Neutral Citation: Yes/No

To

1. The Family Court, Salem

2. The Subordinate Court,
Omalur, Salem District.



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M.JOTHIRAMAN J.

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