



Tr.C.M.P.No.797 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.07.2025

CORAM :

THE HONOURABLE MR. JUSTICE P.B. BALAJI

Tr.C.M.P.No.797 of 2023

and

C.M.P.No.19294 of 2023

Rishma Gayathri

... Petitioner

Versus

S. Vivekanandaraja

... Respondent

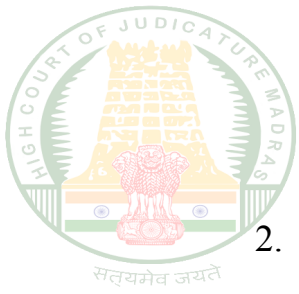
Prayer: Transfer Civil Miscellaneous Petition filed under Section 24 of Code of Civil Procedure, to withdraw the F.C.O.P. No.315 of 2023 pending on the file of the Family Court, Erode and transfer to the Principal Subordinate Court, Hosur and try along with the H.M.O.P. No.02 of 2022.

For Petitioner : Mr. M.P. Saravanan

For Respondent : No Appearance

ORDER

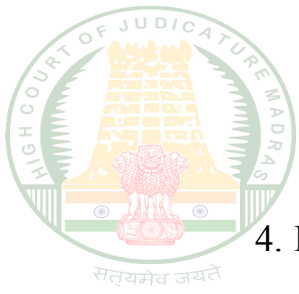
The petitioner/wife has filed this petition to transfer of F.C.O.P. No.315 of 2023 from the file of the Family Court, Erode to the file of the Principal Subordinate Court, Hosur, and try it along with H.M.O.P. No.02 of 2022.



Tr.C.M.P.No.797 of 2023

2. Despite service of notice on the respondent, the respondent has not chosen to enter appearance either in person or through counsel. The name of the respondent is also printed in today's cause list. The respondent is called and set ex-parte. I have proceeded to hear the learned counsel for the petitioner.

3. Learned counsel for the petitioner would submit that the petitioner resides in Hosur within the jurisdiction of Hosur Court, and the petitioner filed an H.M.O.P.No.02 of 2022 under Section 13(1)(i)(a) of the Hindu Marriage Act, 1955, before the Principal Subordinate Court, Hosur. Subsequently, the petitioner filed an M.C.No.5 of 2020 under Section 125 of Criminal Procedure Code, (Cr.P.C.,) 1973, before the Judicial Magistrate No.2, Hosur. Further, learned counsel has brought to the notice of this Court that all the cases are pending before the Hosur District, and the respondent/husband had also filed an G.O.P.No.67 of 2021 before the Principal District Court, Krishnagiri, and later, it was withdrawn by the respondent. While so, the respondent has filed an F.C.O.P. No.315 of 2023 under Section 9 of the Hindu Marriage Act (XXV of 1955), before the Family Court, Erode. Therefore, he seeks transfer of the F.C.O.P. No.315 of 2023 from the file of the Family Court, Erode to the file of the Principal Subordinate Court, Hosur.



Tr.C.M.P.No.797 of 2023

4. In view of the above, this Court is of the opinion that the cases have to be conducted in a joint trial in order to avoid conflicting judgements and for efficient disposal of the cases, without causing prejudice to the respondent.

5. Accordingly, this Transfer Civil Miscellaneous Petition is allowed, and the case in F.C.O.P. No.315 of 2023 is hereby withdrawn from the file of the Family Court, Erode and transferred it to the file of the Principal Subordinate Court, Hosur, to be jointly tried along with the H.M.O.P.No.02 of 2022. Consequently, the connected Civil Miscellaneous Petition is also closed. No costs.

07.07.2025

Index : Yes / No
Speaking order / Non-speaking order
Neutral Citation Case : Yes / No

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To

- 1.The Principal Subordinate Court, Hosur.
- 2.The Family Court, Erode.



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P.B. BALAJI, J.

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