

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.12.2015

CORAM :

THE HONOURABLE MS. JUSTICE R.MALA

Tr.C.M.P. No.130 of 2014

and M.P.No.1 of 2014

P.Sarojini

... Petitioner

Vs.

S.Ponnusamy

... Respondent

Prayer:- Petition has been filed under Section 24 of C.P.C., praying, to withdraw H.M.O.P.No.250 of 2013 pending on the file of the Additional Sub Court, Karur and transfer the same to the Sub Court, Namakkal to be tried along with H.M.O.P.No.13 of 2014 pending on the file of the Sub Court, Namakkal.

For Petitioner : Mr.T.Dhanyakumar

For Respondent : Mr.D.Lakshmipathi

O R D E R

सत्यमेव जयते

The petitioner/wife, who is the respondent in H.M.O.P.No.250 of 2013, has filed this petition to transfer H.M.O.P.No.250 of 2013 pending on the file of the Additional Sub Court, Karur, to the file of the Sub Court, Namakkal where she filed the petition for restitution of conjugal rights in H.M.O.P.No.13 of 2014.

2.Heard the learned counsel for the petitioner and the learned counsel for the respondent.

3.Learned counsel for the petitioner/wife submitted that the respondent/husband filed a petition for divorce on the ground of cruelty in H.M.O.P.No.250 of 2013 on the file of the Additional Sub Court, Karur and then, the petitioner/wife filed a petition for restitution of conjugal rights in

H.M.O.P.No.13 of 2014 on the file of the Sub Court, Namakkal. He further submitted that since the petitioner/wife is residing within the jurisdiction of Namakkal, it is very difficult for her to attend the Court at Karur for each and every hearing. Hence, he pray to transfer the case in H.M.O.P.No.250 of 2013 from the file of the Additional Sub Court, Karur and transfer the same to the Sub Court, Namakkal to be tried along with H.M.O.P.No.13 of 2014.

4.Resisting the same, the learned counsel for the respondent/husband submitted that at first the respondent/husband filed the petition for divorce before the Additional Sub Court, Karur and then only, the petitioner/wife has filed the petition for restitution of conjugal rights before the Sub Court, Namakkal and sought for transfer. Hence, he leave the matter for this Court consideration.

5.Considered the rival submissions made by both sides and perused the typed set of papers.

6.The respondent/husband filed H.M.O.P.No.250 of 2013 for divorce on the ground of cruelty on the file of the Additional Sub Court, Karur. Admittedly, after filing the petition for divorce by the respondent/husband, the petitioner/wife filed H.M.O.P.No.13 of 2014 for restitution of conjugal rights before the Sub Court, Namakkal. Therefore, having satisfied with the reasons mentioned in paragraph No.3 of the affidavit filed in support of this petition and since the petitioner is residing at Namakkal along with her parents, it is difficult for her to attend the Court at Karur for each and every hearing, I am inclined to order transfer. The Presiding Officer, Additional Sub Court, Karur, is directed to transmit all the records pertaining to H.M.O.P.No.250 of 2013 to the Sub Court, Namakkal, within a period of fifteen days from the date of receipt of a copy of this order for joint trial along with H.M.O.P.No.13 of 2014 pending on its file.

7.With the above direction, the Transfer Civil Miscellaneous Petition is disposed of. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/
ASSISTANT REGISTRAR (CS-V)

/TRUE COPY/

SUB-ASSISTANT REGISTRAR

To

1.The Presiding Officer,
The Additional Sub Court, Karur.

2.The Sub Court, Namakkal.

+1 CC to MR.T.Dhanyakumar Advocate. SR.NO.65673

+1 CC to MR.D.Lakshmipathi Advocate. SR.NO. 65666

Tr.C.M.P. No.130 of 2014
and M.P.No.1 of 2014

CO-NM
JD 22/12/2015



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