

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.11.2015

CORAM :

THE HONOURABLE MS.JUSTICE R.MALA

Tr.C.M.P.No.795 of 2014  
and  
M.P.No.1 of 2014

Thamayanthi ... Petitioner/Respondent

Vs.

Srinivasan ... Respondent/Petitioner

Prayer:- Petition is filed under Section 24 of Civil Procedure Code, to withdraw the case H.M.O.P.No.97 of 2014 from the file of the Hon'ble Principal Subordinate Court, Cuddalore and transfer the same to the file of Hon'ble Sub Court, Nagapattinam, where H.M.O.P.No.107 of 2014 filed against the respondent is pending.

For Petitioner : Mr.S.Giritharan

For Respondent : Mr.P.Valliappan

O R D E R

The petitioner/wife, who is the petitioner in H.M.O.P.No.107 of 2014 on the file of the Sub Court, Nagapattinam has come forward with this petition to transfer the case in H.M.O.P.No.97 of 2014 on the file of the Principal Subordinate Court, Cuddalore where she was cited as respondent, to the file of Sub Court, Nagapattinam to try along with H.M.O.P.No.107 of 2014, pending on its file.

2.Learned counsel for the petitioner submitted that the petitioner/wife has filed a petition for divorce in H.M.O.P.No.107 of 2014 on the file of the Sub-Court,

Nagapattinam, whereas the respondent/husband has filed a petition in H.M.O.P.No.97 of 2014 for restitution of conjugal rights on the file of the Principal Subordinate Court, Cuddalore. It is further submitted that while the petitioner/wife attending the Court at Cuddalore, she was threatened by the respondent/husband. Hence, she was forced to file this petition for transfer the case in H.M.O.P.No.97 of 2014 from the file of the Principal Subordinate Court, Cuddalore, to the file of the Sub Court, Nagapattinam and for joint trial along with H.M.O.P.No.107 of 2014, which is pending on its file.

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

4.Considered the submissions made by both sides. It is submitted by the learned counsel for the petitioner/wife that the petitioner is facing life threat in the hands of the respondent while she attending Court at Cuddalore. The learned counsel for the respondent would also submit that whenever the respondent is attending the Court at Nagapattinam, he also receive life threat. Hence, to avoid the same, a middle place between Cuddalore and Nagapattinam may be decided. At this juncture, both the learned counsel fairly consented to transfer both the cases to the Principal Sub Court, Mayiladuthurai. Accordingly, the petition in H.M.O.P.No.97 of 2014 on the file of the Principal Subordinate Court, Cuddalore and H.M.O.P.No.107 of 2014 on the file of the Sub Court, Nagapattinam are ordered to be withdrawn from the respective Courts and transferred to the file of the Principal Sub-Court, Mayiladuthurai for joint trial in accordance with law. The Presiding Officer, Principal Subordinate Court, Cuddalore is directed to transmit all the records pertaining to H.M.O.P.No.97 of 2014 to the file of the Principal Sub Court, Mayiladuthurai, within a period of two weeks from the date of receipt of a copy of this order. Likewise, the Presiding Officer, Sub Court, Nagapattinam, is directed to transmit all the records pertaining to H.M.O.P.No.107 of 2014 to the file of the Principal Sub-Court, Mayiladuthurai, within a period of two weeks from the date of receipt of a copy of this order. On receipt of material papers from the respective Courts, the Presiding Officer, Principal Sub-Court, Mayiladuthurai, is directed to dispose of the petition in H.M.O.P.No.97 of 2014 and H.M.O.P.No.107 of 2014 after giving fair opportunity to both sides, as expeditiously as possible.

5. Accordingly, the Transfer Civil Miscellaneous Petition is ordered. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-  
Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

cse

To

- 1.The Principal Subordinate Judge,  
Cuddalore.
- 2.The Subordinate Judge,  
Nagapattinam.
- 3.The Principal Subordinate Judge,  
Mayiladuthurai

+1cc to Mr.S.Giritharan, Advocate, S.R.No.60190

+1cc to Mr.P.Valliappan, Advocate, S.R.No.60323

Tr.C.M.P.No.795 of 2014  
and  
M.P.No.1 of 2014

GR(CO)  
CA(18/11/2015)

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