

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.10.2015

CORAM

THE HONOURABLE MR.JUSTICE D.HARIPARANTHAMAN

Tr.C.M.P.Nos.810 and 811 of 2014
and
M.P.Nos.1 and 1 of 2014

K.Ramamirtham

... Petitioner in both
the Tr.C.M.Ps'

Vs.

Smt. Sumitha

... Respondent in both
the Tr.C.M.Ps'

Tr.C.M.P.No.810 of 2014 has been filed to withdraw the H.M.O.P.No.35 of 2014 on the file of Subordinate Court, Panrutti and transfer the same to the Principal Subordinate Court, Villupuram.

Tr.C.M.P.No.811 of 2014 has been filed to withdraw the H.M.O.P.No.160 of 2014 on the file of Principal Subordinate Court, Cuddalore and transfer the same to the Principal Subordinate Court, Villupuram.

For petitioner : Mr.M.Muthappan

For Respondent : Mr.A.Arasu Ganesan
(In both Tr.C.M.Ps')

ORDER

The petitioner is the husband and the respondent is the wife. The respondent / wife filed H.M.O.P.No.160 of 2014 on the file of Principal Subordinate Court, Cuddalore for restitution of conjugal rights. The petitioner/husband is filed Tr.C.M.P.No.811 of 2014 to transfer the same from the file of the Principal Subordinate Court, Cuddalore to the Principal Subordinate Court, Villupuram.

2. While so, the petitioner/husband filed H.M.O.P.No.35 of 2014 on the file of Subordinate Court, Panrutti for divorce. The petitioner/husband filed Tr.C.M.P.No.810 of 2014 to transfer the H.M.O.P.No.35 of 2014 from the file of Subordinate Court, Panruti to the Principal Subordinate Court, Villupuram.

3. Admittedly, the respondent/wife resides at Cuddalore. She also filed H.M.O.P.No.160 of 2014 on the file of Principal Subordinate Court, Cuddalore. Taking into account Section 19 (iii)(a) of the Hindu Marriage Act, I am not inclined to transfer the H.M.O.P.No.160 of 2014 from the file of Principal Subordinate Court, Cuddalore to the Principal Subordinate Court, Villupuram. Accordingly, Tr.C.M.P.No.811 of 2014 is dismissed.

4. Tr.C.M.P.No.810 of 2014 is concerned, I am inclined to transfer the H.M.O.P.No.35 of 2014 from the file of Subordinate Court, Panrutti to the Principal Subordinate Court, Cuddalore, wherein H.M.O.P.No.160 of 2015 is pending, instead of transferring to Principal Subordinate Court, Villupuram.

5. Accordingly, Tr.C.M.P.No.810 of 2014 is disposed of directing the learned Subordinate Judge, Panrutti to transfer the petition in H.M.O.P.No.35 of 2014 pending on his file to the file of learned Principal Subordinate Judge, Cuddalore. The learned Principal Subordinate Judge, Cuddalore is directed to take up the H.M.O.P.No.35 of 2014 along with H.M.O.P.No.160 of 2014. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar(CS II)

//True Copy//

सत्यमेव जयते
Sub Assistant Registrar

vsm

To

1.The Sub Court,
Panrutti.

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2.The Principal Sub Court,
Villupuram.

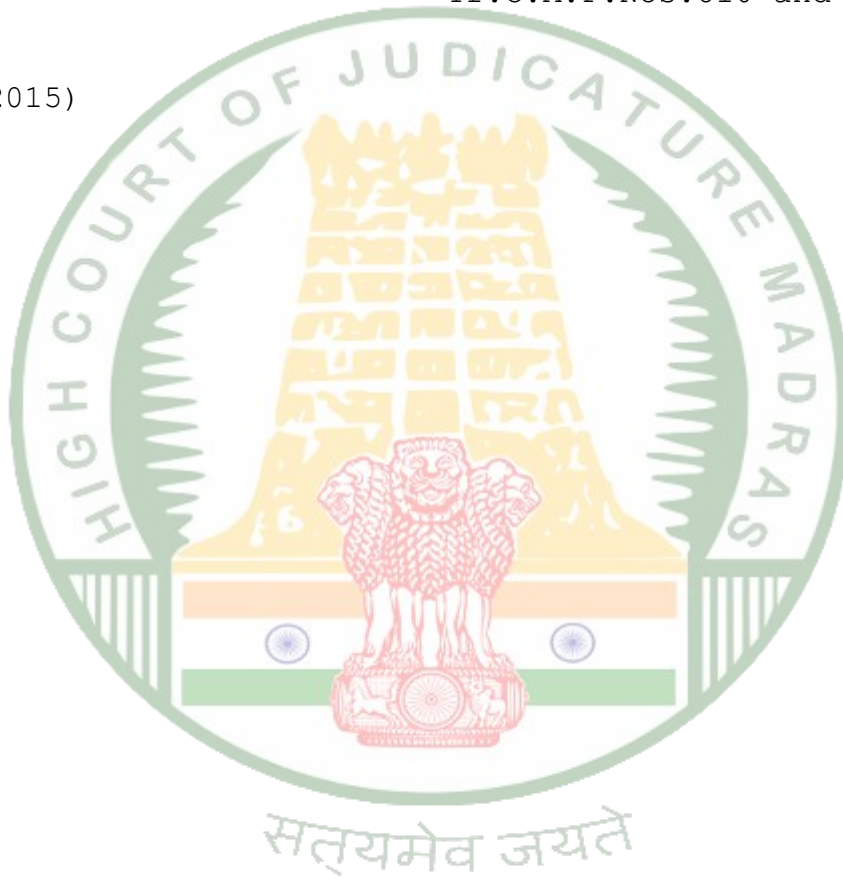
3.The Principal Sub Court,
Cuddalore.

+1cc to Mr.A.Arasu Ganesan, Advocate, S.R.No.56163

+2cc's to Mr.M.Muthappan, Advocate, S.R.No.56312 & 56313

Tr.C.M.P.Nos.810 and 811 of 2014

NM(CO)
CA(28/10/2015)



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