



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 30.04.2015

CORAM:

THE HONOURABLE MS.JUSTICE V.M. VELUMANI

Tr.C.M.P(MD).No.54 of 2015 and

M.P.(MD).No.1 of 2015

WEB COPY

N. Niraiselvi

Petitioner

Vs.

R. Rajan

Respondent

Prayer: Petition is filed under Section 24 of CPC praying to withdraw the HMOPNo.139 of 2014 on the file of the Sub Court, Theni and transfer the same to the Sub Court, Mettur and try along with HMOP No.32 of 2015 on the file of the Sub Court, Mettur.

For Petitioner : Mr. T. Pon Ramkumar

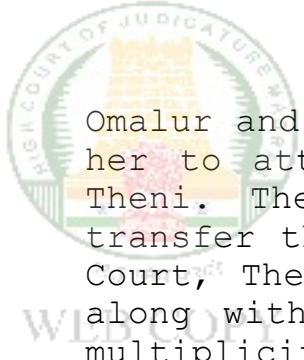
For Respondent : Mr. S. Karthikeyan

O R D E R

The wife, who is the respondent in H.M.O.P.No.139 of 2014, has filed this petition to transfer H.M.O.P.No.139 of 2014 pending on the file of the Sub Court, Theni, to the file of the Sub Court, Mettur, to be tried along with H.M.O.P.No.32 of 2015 pending on its file.

2. The marriage was solemnized between the petitioner and the respondent, on 03.09.2000. In the wedlock, two twin daughters viz., R.Manjusree and R.Nithyasree were born. From the date of their marriage, there was some quarrel with the petitioner and respondent. The petitioner / wife was appointed as B.T. Assistant in the Panchayat Union Middle School, Nallur Maniakaaranur Village, Kadaampatty Union Post, Salem District. The respondent / husband retired from Military service in the month of October 2012. After his retirement, the respondent / husband threatened the petitioner, to give divorce and filed HMOP.No.139 of 2014, before the Sub Court, Theni, for dissolution of marriage, on the ground of cruelty. The petitioner / wife filed HMOP.No.32 of 2015, before the Sub Court, Mettur for restitution of conjugal rights.

3. Now, the petitioner is working as B.T. Assistant in Panchayat Union Middle School, Nallur Maniakaaranur Village, Kadaampatty Union Post, Salem District and she is staying with her minor twin daughters at Omalur, Salem District and their daughters are studying 8th standard in Fathima Matriculation School, Omalur. The petitioner's mother is bed ridden and the petitioner is only taking care of her mother. Further, the petitioner underwent operation on 04.11.2014 and Doctors advised her to take rest and not to travel. Distance between the



Omalar and Theni is about 300 kilometers. It is very difficult for her to attend for each and every hearing before the Sub Court, Theni. Therefore, she has come forward with this petition to transfer the case H.M.O.P.No.139 of 2014 from the file of the Sub Court, Theni, to the file of the Sub Court, Mettur, to be tried along with H.M.O.P.No.32 of 2015 pending on its file, to avoid multiplicity of proceedings and conflicting judgments.

4. The learned counsel for the respondent filed counter affidavit stating that, the respondent has no objection to transfer the case in H.M.O.P.No.139 of 2014 from the file of the Sub Court, Theni, to the file of the Sub Court, Mettur, to be tried along with H.M.O.P.No.32 of 2015 pending on its file.

5. Heard the learned counsel appearing for the parties.

6. Recording the no objection of respondent stated in the counter affidavit, the petition in H.M.O.P. No.139 of 2014, is ordered to be withdrawn from the file of the Sub Court, Theni and transferred to the file of the Sub Court, Mettur, to be tried, along with H.M.O.P.No.32 of 2015, in accordance with law.

7. Accordingly, this Transfer Civil Miscellaneous petition is ordered. The Sub Court, Theni is directed to transmit all the records pertaining to H.M.O.P.No.139 of 2014 to the file of the Sub Court, Mettur, within 15 days from the date of receipt of a copy of this order. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar(Writ)

/True copy/

Sub Assistant Registrar

trp

To

- 1.The Subordinate Judge, Mettur,
- 2.The Subordinate, Theni
- 3.The Principal District Judge, Theni.
- 4.The Principal District Judge, Selam.

Copy to:

The Record Keeper/Section Officer,

V.R.Section, Madurai Bench of Madras High Court, Madurai.

+1cc to MR.S.PONRAMKUMAR,ADVOCATE IN SR NO.23961

+1cc to MR.S.KARATHIKEYAN,ADVOCATE IN SR NO.24466

Tr.C.M.P(MD).No.54 of 2015 and
M.P.(MD).No.1 of 2015
30.04.2015