

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.11.2016

CORAM:

THE HONOURABLE MR.JUSTICE K.K.SASIDHARAN

Transfer CMP No.150 of 2015
and
MP.No.1 of 2015

A.S.Melan ...Petitioner

versus

K.Ashraf ...Respondent

PRAYER: Tr.C.M.P. filed under Section 24 of C.P.C., to withdraw the suit pending in O.S.No.39 of 2015 on the file of learned Principal District Munsif, Kallakurichi, and transfer the same to the learned Principal District Judge's Court at Cuddalore to be tried along with O.S.No.107 of 2014.

For Petitioner : Mr.N.Suresh

For Respondent : No appearance

O R D E R

The petitioner filed a suit in O.S.No.107 of 2014 before the Principal District Court at Cuddalore against the respondent, praying for a decree of restitution of conjugal rights. The respondent, on receipt of notice from the Trial Court filed O.S.No.39 of 2015 before the Principal District Munsif Court at Kallakurichi, praying for a decree to annul the marriage contracted on 02.01.2011. The petitioner is before this Court with a request to transfer the suit in O.S.No.39 of 2015 to the Principal District Court at Cuddalore for disposal along with the suit in O.S.No.107 of 2014.

2. Heard the learned counsel for the petitioner. None appears on behalf of the respondent.

3. The documents available on record indicates that the petitioner filed the original suit at the first instance. The suit was filed before the Principal District Court at Cuddalore in O.S.No.107 of 2014. The respondent, thereafter, filed O.S.No.39 of 2015 before the Principal District Munsif

Court at Kallakurichi.

4. The petitioner is a resident of Manjakuppam in the district of Cuddalore. The suit filed by her is already pending before the Principal District Court at Cuddalore. Even in the suit filed by the respondent and more particularly in the cause of action paragraph, there is a reference that the cause of action has arisen at Manjakuppam in the district of Cuddalore. It is therefore clear that notwithstanding the fact that the Court at Cuddalore has got jurisdiction to entertain the suit, the respondent filed the suit before the Principal District Munsif Court at Kallakurichi to cause difficulties to the petitioner. I am therefore of the view that the transfer petition deserves to be allowed.

5. The original suit in O.S.No.39 of 2015 is withdrawn from the file of Principal District Munsif Court, Kallakurichi and is transferred to the file of Principal District Court, Cuddalore, for disposal along with O.S.No.107 of 2014.

6. The Transfer Civil Miscellaneous Petition is allowed as indicated above. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

svki

To

1.The Principal District Munsif,
Kallakurichi.

2.The Principal District Judge,
Cuddalore.

+1cc to Mr.N.Suresh, Advocate, S.R.No. 68281

Transfer CMP No.150 of 2015

KS (CO)
PSI (28/12/2016)