

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Date : 13.04.2016

CORAM

THE HONOURABLE MR. JUSTICE P.R.SHIVAKUMAR

Tr.C.M.P.No.122 of 2016

&

C.M.P.No.2966 of 2016

Mrs.M.Prabhavathi ... Petitioner/Respondent

vs.

Mr.P.Balaji ... Respondent/Petitioner

Transfer Civil Miscellaneous Petition filed under Section 24 of the Code of Civil Procedure to withdraw H.M.O.P.No.42 of 2015 pending before the learned Sub-Court, Arakkonam and transfer the same to the Sub-Court, Kanchipuram.

For Petitioner : Mr.B.Divakaran

For Respondent : Mr.Pari Gopal

O R D E R

The respondent has entered appearance through counsel. The submissions made by Mr.B.Divakaran, learned counsel for the petitioner and by Mr.Pari Gopal, learned counsel for the respondent are heard. Materials available are also perused.

2. This petition has been filed under Section 24 of the Code of Civil Procedure for the transfer of H.M.O.P.No.42 of 2015 pending on the file of Sub-Court, Arakkonam to the file of Sub-Court, Kanchipuram.

3. The wife is the petitioner herein and the husband is the respondent herein. The husband has filed the said H.M.O.P for divorce. On the other hand, the wife filed H.M.O.P.No.13 of

2016 on the file of the Sub-Court, Kanchipuram for restitution of conjugal rights.

4.The transfer sought for is not only for the sake of convenience of the petitioner (wife), but also for having a joint trial of the petition filed for divorce and the petition filed for restitution of conjugal rights. As both the petitions are interdependent, it is just and necessary that both the petitions are to be tried together. The choice of jurisdiction by the petitioner/wife cannot be stated to be lacking in bonafide.

5. Hence, this petition is allowed and H.M.O.P.No.42 of 2015 pending on the file of Sub-Court, Arakkonam is withdrawn from the said Court and transferred to the file of Sub-court, Kanchipuram for being tried along with H.M.O.P.No.13 of 2016. No costs. Consequently, the connected miscellaneous petition is closed.

-s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

To

1. The Sub-Court
Arakkonam

2.The Sub-court
Kanchipuram

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