

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.07.2016

CORAM

THE HONOURABLE MR. JUSTICE C.T.SELVAM

Tr.C.M.P.No.252 of 2016

&

C.M.P.No.6712 of 2016

Geetha lakshmi

... Petitioner

vs.

S.Murugan

... Respondent

Transfer Civil Miscellaneous Petition filed under Section 24 of the Code of Civil Procedure to withdraw H.M.O.P.No.442/2015 pending on the file of Subordinate Judge, Poonamalli and transfer the same to the file of Additional sub Court, Villupuram.

For Petitioner : Ms.U.Anunitha

For Respondent : Mr.C.Prabakaran

ORDER

This Transfer Civil Miscellaneous Petition has been filed for withdrawal of H.M.O.P.No.442/2015 pending on the file of Subordinate Judge, Poonamalli and transfer of the same to the file of Additional Sub Court, Villupuram.

2. Respondent/husband has moved H.M.O.P.No.442/2015 on the file of Subordinate Court, Poonamallee for divorce. The petitioner/wife has moved H.M.O.P.No.149/2015 on the file of Additional Sub Court, Villupuram for restitution of conjugal rights. Petitioner/wife seeks transfer of the divorce petition filed by the husband to be jointly tried with the action for restoration of conjugal rights moved by the petitioner/wife in H.M.O.P.No.149/2015, Sub Court, Villupuram.

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

4. Learned counsel for petitioner submitted that the petitioner faces difficulty in traveling to Chennai towards attending the Court at Poonamalle. She has to take care of her two minor children, is wholly dependent on her parents and is

unable to afford travel. The respondent/husband is in any event attending the case for restoration of conjugal rights at Villupuram. As the issue involves matrimonial dispute, it would be desirable that both cases be tried jointly by one and the same Court.

5. Learned counsel for the respondent/husband submits that the respondent is working in Chennai and if transfer is ordered the same would cause him difficulty in that he would have to appear at every hearing.

6. Considering the rival submissions, this Court is of the view that interests of justice would be met by transferring the case filed by the husband/respondent in H.M.O.P.No.442/2015 on the file of Sub Court, Poonamallee to be tried jointly with the case filed by the petitioner/wife in H.M.O.P.No.149/2015 on the file of Additional Sub Court, Villupuram.

7. Accordingly, this petition is allowed and the H.M.O.P.No.442/2015 on the file of Sub Court, Poonamallee is transferred to the file of Additional Sub Court, Villupuram to be tried jointly with H.M.O.P.No.149/2015. The court below is directed not to insist on the appearance of the respondent/husband before it except on the important hearing dates. Connected miscellaneous petition is closed. No costs.

Sd/-
Assistant Registrar(J)

//True Copy//

Sub Assistant Registrar

To

1.The Subordinate Judge,
Poonamalli.

2.The Judge,
Additional Sub Court,
Villupuram.

+1cc Mr.C.Prabakaran, Advocate Sr.38872

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srg 01/08/2016