

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26.07.2016

CORAM

THE HONOURABLE MR.JUSTICE C.T.SELVAM

Transfer Civil Miscellaneous Petition No.304 of 2016

and

C.M.P.No.8355 of 2016

M.Saranyadevi
W/o.K.Mahalingam

... Petitioner

vs

K.Mahalingam
S/o.Kannaiyan

... Respondent

Transfer Civil Miscellaneous Petition filed under Section 24 of the Civil Procedure Code, 1906, praying to withdraw H.M.O.P.No.163 of 2015 pending on the file of Principal Sub Court, Kumbakonam and transfer the same to the file of Principal Subordinate Court, Tiruppur, to be tried along with H.M.O.P.No.343 of 2015.

For Petitioner : Mr.R.Rajaramani

For Respondent : No appearance

O R D E R

Even though the respondent has been served and the name of the respondent appears in the cause list, the respondent has not chosen to appear before this Court either in person or through a pleader. Hence, the matter is decided on merits.

2. Petitioner has filed the present petition seeking transfer of H.M.O.P.No.163 of 2015 on the file of Principal Sub Court, Kumbakonam, to the file of Principal Subordinate Court, Tiruppur, to be jointly tried with H.M.O.P.No.343 of 2015.

3. Learned counsel for petitioner/wife submits that the respondent/husband has filed H.M.O.P.No.163 of 2015 on the file of Principal Sub Court, Kumbakonam, seeking divorce. Petitioner/wife has filed H.M.O.P.No.343 of 2015 on the file of Principal Subordinate Court, Tiruppur, seeking restitution of conjugal rights. Petitioner is residing at Tiruppur with her minor child and hence, she finds it difficult to travel to Kumbakonam to attend the hearing. Further,

since both parties have filed petitions it would be desirable to have both the matters together.

4. Considering the submissions made, this Court directs transfer of H.M.O.P.No.163 of 2015 on the file of Principal Sub Court, Kumbakonam, to the file of Principal Subordinate Court, Tiruppur, to be jointly tried with H.M.O.P.No.343 of 2015.

The Transfer Civil Miscellaneous Petition, accordingly, is ordered. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Asst.Registrar

/true copy/

Sub Asst. Registrar

To

1.The Principal Sub Judge,
Kumbakonam.

2.The Principal Subordinate Judge,
Tiruppur.

+1 cc to Mr.R.Rajamani, advocate,sr.42278.

gj(co)
krd 18/8

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सत्यमेव जयते

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