

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14.07.2016

CORAM

THE HONOURABLE MR.JUSTICE C.T.SELVAM

Transfer Civil Miscellaneous Petition No.326 of 2016
and
C.M.P.No.9022 of 2016

Sangamithirai @ Sangeetha
W/o. Mathaiyan ... Petitioner/Respondent

vs

Mathaiyan
S/o.Villaiyan (late) ... Respondent/Petitioner

Transfer Civil Miscellaneous Petition filed under Section 24 of the Civil Procedure Code, 1906, praying to withdraw H.M.O.P.No.99 of 2015 pending on the file of Subordinate Court, Harur and to transfer the same to the file of learned Subordinate Court, Salem to be tried along with O.P.No.15 of 2016 pending on the file of the Subordinate Court, Salem.

For Petitioner : Mr.A.Thiyagarajan

For Respondent : Mr.B.Kumaraswamy

ORDER

Petitioner has filed the present petition seeking transfer of H.M.O.P.No.99 of 2015 pending on the file of Subordinate Court, Harur, to the file of Subordinate Court, Salem.

2. Learned counsel for petitioner submits that the petitioner/wife has filed H.M.O.P.No.15 of 2016 on the file of learned Subordinate Judge, Salem, restitution of conjugal rights and the respondent/husband has filed H.M.O.P.No.99 of 2015 seeking divorce. Learned counsel submits that it would be desirable to have both the matters tried together and prays for transfer.

3. Learned counsel for respondent submits that transfer of H.M.O.P.No.99 of 2015 would cause the respondent grave inconvenience.

4. Considering the rival submissions and the further position that the petitioner has to take care of her five years old child, this Court is of the view that the petition is to be allowed. Accordingly, this Court directs transfer of H.M.O.P.No.99 of 2015 pending on the file of learned Subordinate Judge, Harur District and to transfer the same to the file of learned Subordinate Judge, Salem.

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

Sd/-
Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

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To

- 1.The Subordinate Judge,
Harur, Harur District.
- 2.The Subordinate Judge,
Salem.

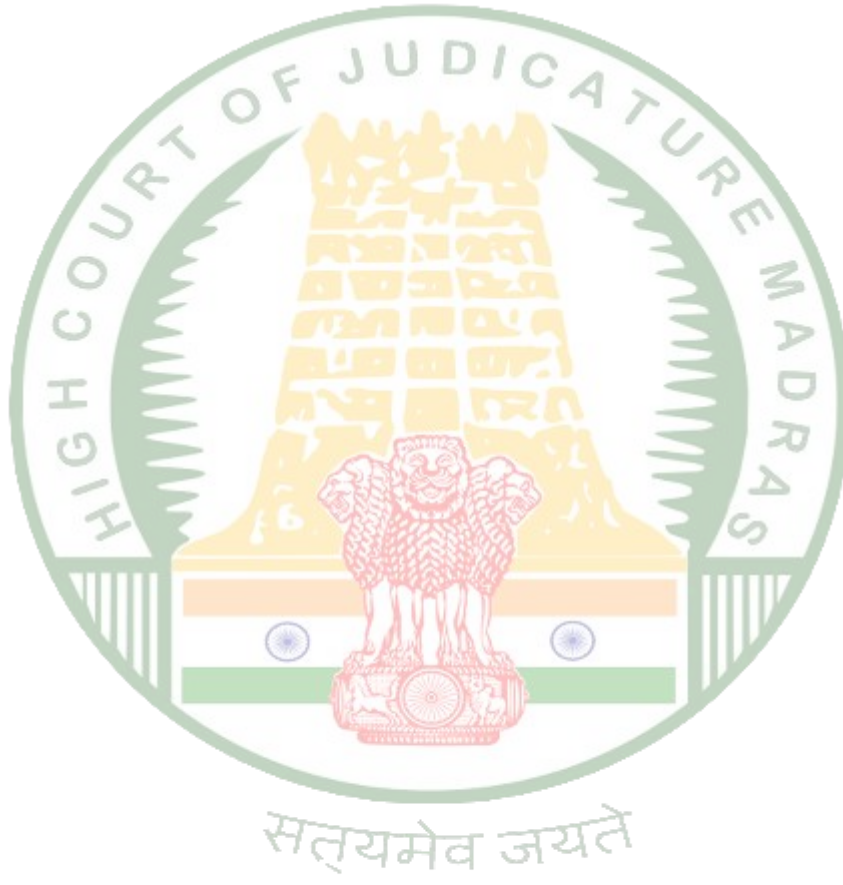
1 cc to Mr.B.Kumarasamy, Advocate, sr.39401
1 cc to Mr.R.Thiyagarajan, Advocate, sr.38303

Transfer Civil Miscellaneous
Petition No.326 of 2016

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