

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.09.2016

CORAM

THE HONOURABLE MR.JUSTICE K.K.SASIDHARAN

Tr.C.M.P.No.335 of 2016

And

C.M.P.No.9117 of 2016

Bhuvaneswari

... Petitioner

Vs.

K.Premkumar

... Respondent

Prayer:

Petition filed under Section 24 of the Civil Procedure Code seeking to withdraw the petition in H.M.O.P.No.219 of 2014 on the file of learned Principal Sub Court, Villupuram and to transfer the same to the learned Principal Sub Court of Thanjavur to try along with the petition pending in H.M.O.P.99 of 2015 on the file of the learned Principal Sub Court of Thanjavur.

For Petitioner : Mr.J.Ramakrishnan

For Respondent : No Appearance

ORDER

This transfer petition is to withdraw the proceedings in H.M.O.P.No.219 of 2014 from the file of the Principal Sub Court, Villupuram and transfer the same to the file of Principal Sub Court at Thanjavur for joint trial along with H.M.O.P.No.99 of 2015.

2. Heard the learned counsel for the petitioner. None appears for the respondent inspite of printing his name in the cause list.

3. The respondent filed proceedings in H.M.O.P.No.219 of 2014 before the Principal Sub Court, Villupuram praying for a decree of divorce. The petitioner on the other hand filed H.M.O.P.No.99 of 2015 against the respondent before the Principal Sub Court, Thanjavur praying for a decree of restitution of conjugal rights.

4. The petitioner has come up with this transfer petition for transfer of the matrimonial proceedings in H.M.O.P.No.219 of 2014 to the Principal Sub Court, Thanjavur.

5. The petitioner is a permanent resident of Thanjavur. It is the case of the petitioner that she was thrown out from the matrimonial home along with minor child. She is now at the mercy of her parents. According to the petitioner, it would not be possible for her to prosecute the proceedings which is pending before the Principal Sub Court at Villupuram. There is nothing on record to disbelieve the version given by the petitioner. Since there are two proceedings pending, it would be in the interest of both the parties to have disposal of both the matters by a particular Court instead of

conducting the proceedings before two different Courts. I am therefore of the view that the petitioner has made out a case for transfer of the matrimonial proceedings.

6.In the result, the proceedings in H.M.O.P.No.219 of 2014 is withdrawn from the file of the Principal Sub Court, Villupuram and is transferred to the file of the Principal Sub Court, Thanjavur to be tried along with H.M.O.P.No.99 of 2015.

7.The transfer petition is allowed as indicated above. No costs. Consequently, the connected miscellaneous petition is closed.

08.09.2016

pri
Index: Yes/ No
Internet: Yes/ No

To

- 1.The Principal Sub Court,
Villupuram.
- 2.The Principal Sub Court,
Thanjavur.

K.K.SASIDHARAN,J.

**Tr.C.M.P.No.335 of 2016
And
C.M.P.No.9117 of 2016**

08.09.2016