



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED :12.04.2016

CORAM

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THE HONOURABLE MS.JUSTICE V.M.VELUMANITR.C.M.P(MD)No.348 of 2015 and
M.P(MD)No.1 of 2015

Thanikai Velan

.. Petitioner

Vs.

Anandhi

.. Respondent

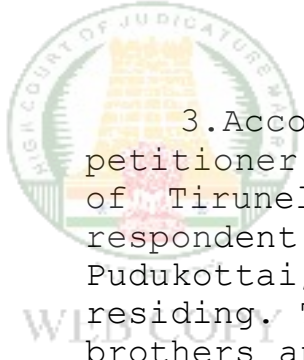
Prayer: Transfer Civil Miscellaneous Petition is filed under Section 24 of Civil Procedure Code to withdraw the H.M.O.P.No.176 of 2015 on the file of the Sub Court, Pudukottai and transfer the same to Sub Court, Ambasamuthiram and may direct the Sub Court, Ambasamuthiram to try the H.M.O.P.No.176 of 2015 along with H.M.O.P.No.84 of 2014 and dispose the same with the time specified.

For Petitioner : Mr.K.P.Narayanakumar
For Respondent : Mr.T. Selvam

ORDER

The Transfer Civil Miscellaneous Petition is filed to withdraw the case in H.M.O.P.No.176 of 2015, on the file of the Sub Court, Pudukottai and transfer the same to the file of Sub Court, Ambasamuthiram and direct the Sub Court, Ambasamuthiram to try the H.M.O.P.No.176 of 2015 along with H.M.O.P.No.84 of 2014.

2.The petitioner herein is the husband and the respondent is the wife. The marriage between the petitioner and the respondent was solemnized on 21.08.2006. After the marriage, both were living together in the matrimonial home at Kallidaikurichi. A male child was born in the wedlock. Due to some dispute, the both of them are living separately. The native place of the petitioner is Ambasamudram, Tirunelveli District. The petitioner filed H.M.O.P.No.84 of 2014 before the Sub Court, Ambasamuthiram for divorce on the ground of desertion and adultery. On receipt of the notice, the respondent entered appearance and filed counter on 19.06.2015. Thereafter, the respondent filed HMOP No.176 of 2015, before the Sub Court, Pudukottai for Restitution of Conjugal Rights, only to harass the petitioner.



3. According to the petitioner, the respondent deserted the petitioner and leading a adultery life. The petitioner is native of Tirunelveli and he is working as driver at Chennai. The respondent filed H.M.O.P.No.176 of 2015 before the Sub Court, Pudukottai, where entire family members of the respondent are residing. There is a life threat from the part of the respondent's brothers and her paramour. Due to the apprehension, the petitioner has come out with the present petition to transfer the H.M.O.P.No.176 of 2015 from the file of the Sub Court, Pudukottai to the file of Sub Court, Ambasamuthiram to be tried along with HMOP No.84 of 2014 filed by the petitioner.

4. The respondent filed counter affidavit and denied the various averments made by the petitioner. The respondent also denied the averments that there is a life threat by the respondent and her family members. The respondent has stated that the petitioner only thrown out the respondent and her son from the matrimonial home and sent all the household articles belonging to the respondent through ABT Parcel service to her house at Pudukottai and deserted the respondent and her son and living with one Saraswathy. According to the respondent, she is residing at Pudukottai and minor son is studying at Pudukottai and it will be very difficult for her to travel from Pudukottai to Ambasamuthiram.

5. I have heard the learned counsel appearing on side.

6. Both the petitioner and respondent are making allegations and counter allegations against each other. Without deciding the allegations and counter allegations, considering the contention of the learned counsel for the petitioner that there is a life threat to the petitioner at Pudukottai and difficulty of the wife / respondent to travel from Ambasamudiram to Pudukottai, and in the interest of justice both the HMOP.No.176 of 2015 and HMOP.No.84 of 2014 pending on the file of Sub Court, Ambasamuthiram and the Sub Court, Pudukottai respectively are hereby withdrawn and transferred to the file of the Sub Court, Trichy, to be tried together, if the same are not yet disposed of. The learned Subordinate Judge, Ambasamuthiram as well as the learned Subordinate Judge, Pudukottai is directed to send the case bundles to Sub Court, Trichy, immediately. The Registry is also directed to send back the papers that are pending before the Registry. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (T&P)

/True Copy/



To

1. The Subordinate Judge, Pudukottai
2. The Subordinate Judge, Ambasamuthiram
3. The Subordinate Judge, Trichy.

Copy To:-

The Section Officer,
V.R.Section,
Madurai Bench of Madras High Court,
Madurai.

+ 1 CC TO MR.K.P.NARAYANAKUMAR, ADVOCATE IN SR NO. 20599/16
+ 1 CC TO MR.T.SELVAN, ADVOCATE IN SR NO. 20387/16

TRP

TE/NGM-DP/ : 18/05/2016 : 3P/7C

TR.C.M.P(MD)No.348 of 2015 and
M.P(MD) .No.1 of 2015
12.04.2016