

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.10.2017

C O R A M

THE HONOURABLE Mrs.JUSTICE PUSHPA SATHYANARAYANA

Tr.C.M.P.No.190 of 2017
and C.M.P.No.3451 of 2017

Shanthi Gandhi .. Petitioner

-Vs-

Ramesh .. Respondent

Transfer Civil Miscellaneous Petition filed under Section 24 of C.P.C praying to withdraw and transfer the H.M.O.P.No.108 of 2016 on the file of the Sub Judge, Villupuram to the Principal Sub Judge, Virudhachalam where the H.M.O.P.No.12 of 2017 is pending.

For petitioner ... Mr.R.Margabandhu

For respondent ... Mr.G.Ranganathan-No Appearance

ORDER

This transfer petition is filed by the wife seeking transfer of H.M.O.P.No.108 of 2016 pending on the file of the Principal Sub Court, Villupuram to the Principal Sub Court, Villupuram to be tried

along with H.M.O.P.No.12 of 2017 pending on the file of the Principal Sub Court, Virudhachalam.

2. The respondent, who is the husband, has filed a divorce petition before the Principal Sub Court, Villupuram. While so, the petitioner-wife has also filed H.M.O.P.No.12 of 2017 for conjugal rights before the Principal Sub Court, Virudhachalam.

3. It is the grievance of the petitioner that she is living in Pudhiya Vijaya Managaram, Virudhachalam Taluk along with her parents, who are above 75 years old. It would be difficult for her to travel from Virudhachalam to Villupuram to attend the hearings. Besides, the husband has sought for divorce and wife has filed for restitution of conjugal rights. To avoid conflict of decisions and multiplicity of proceedings, the O.Ps shall be tried together.

4. Though the respondent had been served with notice, there is no representation for the respondent either in person or through counsel.

5. Taking into consideration the above grievance of the petitioner and that in order to avoid multiplicity of proceedings and conflict of decisions between the above two cases and that the convenience of the wife has to be given importance in the matrimonial proceedings, this transfer is allowed and H.M.O.P.No.108 of 2016 pending on the file of the Principal Sub Court, Villupuram shall stand withdrawn and transferred to the Principal Sub Court, Virudhachalam to be tried along with H.M.O.P.No.12 of 2017. No costs. Consequently, connected miscellaneous petition is closed.

05.10.2017

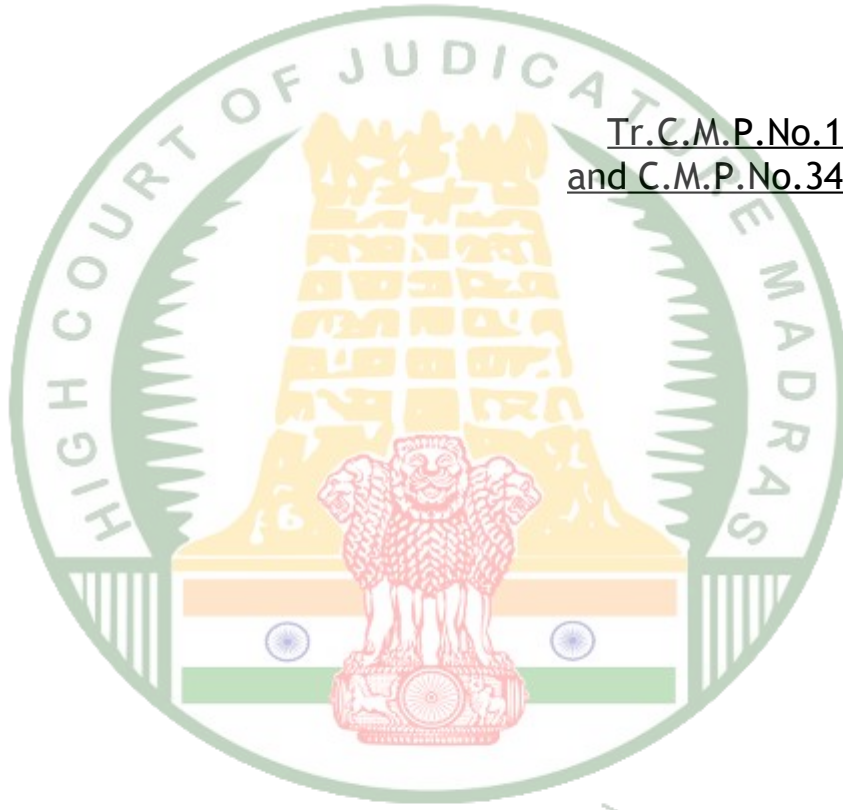
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To

1. The Principal Sub Judge, Villupuram
2. The Principal Sub Judge, Virudhachalam.

PUSHPA SATHYANARAYANA.J

srn



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