

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.02.2017

CORAM:

THE HONOURABLE MRS.JUSTICE PUSHPA SATHYANARAYANA

Tr.C.M.P.No.804 of 2014

and

M.P.Nos.1 and 2 of 2014

Vidyaletchumi

... Petitioner

Vs.

Giri

... Respondent

Transfer Civil Miscellaneous Petition filed under Section 24 of the Civil Procedure Code praying to withdraw H.M.O.P.No.65 of 2014 on the file of the Sub-Court, Virudhachalam and transfer the same to the file of the Sub-Court, Mayiladuthurai, to be tried along with H.M.O.P.No.101 of 2014.

For petitioner : Mr.K.Govi Ganesan

For respondent : Notice served - No appearance

ORDER

It is the grievance of the petitioner-wife that after the return of the respondent-husband from Qatar, the respondent has not cared for her, she being living in her parents' house by then and he wanted to depart her from him and it is further alleged that he was having affair with another lady, thereby, the respondent deserted her. The respondent filed H.M.O.P.No.65 of 2014 before the Sub-Court, Virudhachalam for divorce. Immediately, the petitioner-wife filed H.M.O.P.No.101 of 2014 before the Sub-Court, Mayiladuthurai for restitution of conjugal rights. Both of them are defending their respective cases. She is presently residing in Mayiladuthurai and Virudhachalam is about 80 Kms. away from Mayiladuthurai and she is unable to leave the child at her parents' house. In order to avoid conflict of decisions, multiplicity of proceedings, and to save the Court's time, she prays that both the H.M.O.Ps. may be tried together at Mayiladuthurai. Moreover, she has also filed

M.C.No.34 of 2014 before the Judicial Magistrate Court No.1, Mayildaduthurai, claiming maintenance. Taking into consideration the above facts and also the grievances expressed by the petitioner, and in order to avoid conflict of decisions, multiplicity of proceedings and to save the Court's time, and as in the Transfer cases, the convenience of the wife should be given preference for attending her case hearings, the Tr.C.M.P. is ordered, and H.M.O.P.No.65 of 2014 pending on the file of the Sub-Court, Virudhachalam, shall stand withdrawn and transferred to the file of Sub-Court, Mayiladuthurai, for trying the same along with H.M.O.P.No.101 of 2014 and the said two cases shall be tried together and disposal be made. No costs. The Miscellaneous Petitions are closed.

Sd/-  
Assistant Registrar

//True Copy//

Sub Assistant Registrar

cs

Copy to

1. The Sub-Judge, Virudhachalam.
2. The Sub-Judge, Mayiladuthurai.
3. The Judicial Magistrate-1, Mayiladuthurai.

+lcc to Mr.K. Govi Ganesan, Advocate, S.R.No.11014

rsk(CO)  
md(06/03/2017)

सत्यमेव जयते

Tr.C.M.P.No.804 of 2014

WEB COPY