

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.10.2017

CORAM

THE HONOURABLE Mrs.JUSTICE PUSHPA SATHYANARAYANA

Tr.C.M.P.No.48 of 2017

and

C.M.P.No.978 of 2017

A.Dhanalakshmi ... Petitioner

Vs

A.Arulselvam ... Respondent

Transfer Civil Miscellaneous Petition filed under Section 24 of C.P.C. to withdraw the proceedings in H.M.O.P.No.22 of 2014 on the file of the Additional Subordinate Court, Kumbakonam and transfer the same to the Principal Sub Court, Mayiladuthurai.

For Petitioner : Mr.R.Shivakumar for
M/s.K.M.Vijayan Associates

For Respondent : Ms.R.Meenakshi Devi for
Mr.A.Damodaran

O R D E R

The Wife has filed this Transfer Civil Miscellaneous Petition seeking transfer of H.M.O.P.No.22 of 2014 from the file of the Additional Subordinate Court, Kumbakonam to the file of the Principal Sub Court, Mayiladuthurai.

2. The respondent / husband has filed H.M.O.P.No.22 of 2014 on the file of the Additional Sub Court, Kumbakonam for dissolution of marriage held between the petitioner and the respondent on 18.06.2003. The Wife has also filed H.M.O.P.No.207 of 2016 on the file of the Principal Sub Court, Mayiladuthurai for restitution of conjugal rights. It is also stated that a maintenance case is filed in M.C.No.8 of 2016, which is also pending before the Judicial Magistrate No.II, Mayiladuthurai.

3. Heard the learned counsel for the petitioner and the learned counsel for the respondent.

4. In order to avoid conflict of decisions, it is appropriate to post all the matters before one Court. The husband is also living only in Thanjavur and as all the matters are pending in the Sub Court, Mayiladuthurai, it is easy for the parties to contest the same through their counsels and moreover, the parties are required to appear before the Court only at the time of trial.

5. Considering the convenience of the wife and taking into account the fact that she is with the minor daughter, it would be appropriate to transfer H.M.O.P.No.22 of 2014 on the file of the Additional Subordinate Court, Kumbakonam to the file of the Principal Sub Court, Mayiladuthuri to be tried along with H.M.O.P.No.207 of 2016 and M.C.No.8 of 2016 pending on the file of the Judicial Magistrate No.II, Mayiladuthurai.

6. Accordingly, the petition is allowed. No costs. Consequently, the connected Miscellaneous Petition is closed.

-s/d-

Assistant Registrar

True Copy

Sub-Assistant Registrar

srn

To

1.The Additional Subordinate Court, Kumbakonam

2.The Principal Sub Court, Mayiladuthurai.

3.The Judicial Magistrate II, Mayiladuthurai.

+1 CC to M/s.K.M.Vijayan Associates, Advocate Sr.No.73295

+1 CC to Mr.A.Damodaran, Advocate Sr.No.74265

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NM(CO)

KP(15.11.2017)