

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25.10.2017

C O R A M

THE HONOURABLE Mrs.JUSTICE PUSHPA SATHYANARAYANA

Tr.C.M.P.No.243 of 2015 and M.P.No.1 of 2015

K.Nandhini .. Petitioner/Respondent
-Vs-

R.s.Krishnamoorthy .. Respondent/Petitioner

Transfer Civil Miscellaneous Petition filed under Section 24 of C.P.C praying to withdraw the H.M.O.P.No.519 of 2014 on the file of the Principal Sub Judge, Tiruchirapalli and transfer the same to the Sub Court, Perambalur.

For petitioner ... Mr.T.Anbu

For Respondent ... Served - No appearance

O R D E R

This Transfer Civil Miscellaneous Petition is filed seeking to withdraw the H.M.O.P.No.519 of 2014 on the file of the Principal Sub Judge, Trichirapalli and transfer the same to the file of the Sub Court, Perambalur.

2. The respondent-husband has filed H.M.O.P.No.519 of 2015 under section 13 (i)(i-a) of the Hindu Marriage Act before the Principal Sub Court, Trichirapalli for divorce. The petitioner-wife has also filed H.M.O.P.No.147 of 2014 under Section 9 of the Hindu Marriage Act before the Sub Court, Perambalur for restitution of conjugal rights.

3. It is stated by the petitioner-wife that she being the wife separated from her husband, herself and her child are depending on her parents for necessities including medical expenses of the child. It is the grievance of the petitioner that even though she being a graduate, is unable to appoint an Advocate for her appearance before the Sub Court, Trichy. Hence, she sought for transfer.

4. Heard the learned counsel for the petitioner. Though the respondent is served with notice and his name has been printed in the cause list, there is no representation for the respondent either in person or through counsel.

5. As the trial of both H.M.O.Ps if tried independently, would lead to conflict of decisions and also considering the convenience of the wife as recommended under Section 19 (iii-a) of the Hindu Marriage Act, this Court is inclined to transfer H.M.O.P.No.519 of 2014 pending on the file of the Principal Sub Court, Trichirapalli to the file of the Sub Court, Perambalur to be tried along with H.M.O.P.No.147 of 2014.

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

Sd/-
Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

srn

To

1. The Principal Sub Judge, Tiruchirapalli.

2.The Subordinate Judge Perambalur.

+1 cc to Mr.T.Anbu Advocate sr 75880

सत्यमेव जयते

Tr.C.M.P.No.243 of 2015
and

M.P.No.1 of 2015

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