

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:30.10.2017

C O R A M

THE HONOURABLE Mrs.JUSTICE PUSHPA SATHYANARAYANA

Tr.C.M.P.No. 466 of 2015
and M.P.No.1 of 2015

Sutha

.. Petitioner

-Vs.-

Saravanan

.. Respondent

PRAYER:

Transfer Civil Miscellaneous Petition filed under Section 24 of C.P.C praying to withdraw HMOP.No.110 of 2014 on the file of the Subordinate Court, Perambalur and to transfer the same to the Subordinate Court, Attur, to be tried along with HMOP.No.15 of 2015.

For petitioner ... M/s.P.Jagadeesan

For respondent ... served-No Appearance

O R D E R

This Transfer miscellaneous petition is filed by the wife in a matrimonial dispute to withdraw the H.M.O.P.No.110 of 2014 pending on the file of the Sub Court, Perambalur and transfer the same to the file of the Sub Court, Attur, to be tried along with H.M.O.P.No.15 of 2015.

2. The respondent-husband has filed H.M.O.P.No.110 of 2014 under Section 9 of the Hindu Marriage Act on the file of the Sub Court, Perambalur for restitution of conjugal rights. The wife has filed H.M.O.P.No.15 of 2015 under Section 13 (1) (i-a) of the Hindu Marriage Act for dissolution of marriage held between the petitioner and respondent on 01.12.2006. She has also filed a maintenance case in M.C.No.6 of 2015 on the file of the Judicial Magistrate-II, Attur, claiming maintenance and the same was stated to have been disposed of.

3. It is stated by the petitioner that she gave birth to a male child out of their wedlock. Now, the child is with the respondent-husband. It is also stated that the petitioner is staying with her mother in Salem District. She has no other

male support to travel all the way from Salem to Perambalur for the purpose of conducting H.M.O.P.No.110 of 2014. Further, the respondent and his family members had already attacked her several times and they have also taken away the child from her custody. Therefore, it would not be safe for her to travel to Perambalur. Hence, she has filed this transfer petition.

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

5. Taking into consideration the above grievances of the petitioner and that in order to avoid 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 Tr.C.M.P is allowed and H.M.O.P.No.110 of 2014 pending on the file of the Sub Court, Perambalur shall stand withdrawn and transferred to the Sub Court, Attur to be tried along with H.M.O.P.No.15 of 2015. No costs. Consequently, connected miscellaneous petition is closed.

s/d-
Assistant Registrar(CO)

True Copy

Sub-Assistant Registrar

srn

To

1.The Subordinate Judge, Perambalur.

2.The Subordinate Judge, Attur,

+1 Cc to M/s.P.Jagadeesan, Advocate sr 76484.

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Tr.C.M.P.No. 466 of 2015
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SAI (CO)
SP(21/11/2017)