

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.02.2017

C O R A M

THE HONOURABLE Mrs.JUSTICE PUSHPA SATHYANARAYANA

Tr.C.M.P.No.615 of 2015
and M.P.No.1 of 2015

A.Devi .. Petitioner

-Vs-

T.Sathyaraj ... Respondent

Transfer Civil Miscellaneous Petition filed under Section 24 of C.P.C praying to withdraw the H.M.O.P.No.42 of 2015 on the file of the Sub Court, Attur and transfer the same to be tried along with H.M.O.P.No.70 of 2015 on the file of the Sub Court, Perambalur.

For petitioner ... Mr.K.Sanjay

For respondent ... No Appearance

O R D E R

This transfer petition is filed by the wife seeking transfer of H.M.O.P.No.42 of 2015 pending on the file of the Sub Court, Attur to the Sub Court, Perambalur to be tried along with H.M.O.P.No.70 of 2015 pending on the file of the Sub Court, Perambalur.

2. It is stated that for the past 3 ½ years, the petitioner is living separately in her parent's house. The respondent-husband filed a petition for divorce before the Sub Court, Attur in H.M.O.P.No.42 of 2015. It is further stated that the petitioner-wife filed a maintenance case before the Chief Judicial Magistrate Court, Perambalur in M.C.No.27 of 2015. It is also stated that the petitioner-wife has filed H.M.O.P.No.70 of 2015 for restitution of conjugal rights before the Sub Court, Perambalur. It is the grievance of the petitioner-wife that she could not travel more than 120 kms to-and-fro from Perambalur to Attur. She could not afford to meet her travelling expenses. Hence, she has filed this transfer petition.

3. Though the respondent had been 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.

4. Taking into consideration the above grievances 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proceedings, this transfer is allowed and H.M.O.P.No.42 of 2015 pending on the file of the Sub Court, Attur shall stand withdrawn and transferred to the Sub Court, Perambalur to be tried along with H.M.O.P.No.70 of 2015. No costs. Consequently, connected miscellaneous petition is closed.

-s/d-

Assistant Registrar(CCC)

True Copy

Sub-Assistant Registrar

To

1. The Sub Judge, Attur
2. The Sub Judge, Perambalur

+1 CC to Mr. K. Sanjay, Advocate sr 12336

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