

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.03.2018

CORAM :

THE HONOURABLE Mrs.JUSTICE PUSHPA SATHYANARAYANA

Tr.C.M.P. No.669 of 2017
and C.M.P.Nos.13159 & 13160 of 2017

Perathu Selvi

... Petitioner

versus

Jagatheeswaramoorthy

... Respondent

Prayer:- The Petition is filed under Section 24 of C.P.C. praying to withdraw the H.M.O.P.No.55 of 2016 from the file of the Subordinate Court, Ramanathapuram and transfer the same to try along with H.M.O.P.No.79 of 2016 on the file of the Subordinate Court, Attur.

For Petitioner : Mr.R.Ezhilarasan
For Respondent : Ms.Veeramarthini

ORDER

The petitioner/wife in the matrimonial dispute has filed this Transfer Civil Miscellaneous Petition seeking transfer of H.M.O.P.No.55 of 2016, pending on the file of Subordinate Court, Ramanathapuram to the file of Subordinate Court, Attur, to be tried along with H.M.O.P.No.79 of 2016.

2. The respondent/husband has filed H.M.O.P.No.55 of 2016 under Section 13(1)(i-a)(i-b) of the Hindu Marriage Act, before the Subordinate Court, Ramanathapuram for dissolution of marriage held between the petitioner and the respondent on 30.09.1982, whereas, the petitioner/wife has filed H.M.O.P.No.79 of 2016 under Section 9 of the Hindu Marriage Act, before the Subordinate Court, Attur for restitution of conjugal rights.

3. The petitioner/wife in her affidavit has stated that it would be difficult for her to travel from Attur to Ramanathapuram for each hearing. Besides, as the reliefs sought for by both the petitioner and respondent are mutually

contradictory, it is appropriate to direct one Court to try both the O.Ps. together to avoid any conflict in decisions

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

5. In the above circumstances, considering Section 19(iii-a) of the Hindu Marriage Act, which speaks that the convenience of the wife is paramount and to avoid contradictory decisions, this Court is of the view that the matter may be transferred to suit the convenience of the wife, who is living in Attur, where the H.M.O.P.No.79 of 2016 is already pending.

6. Accordingly, the Transfer Civil Miscellaneous petition is allowed by withdrawing H.M.O.P.No.55 of 2016, pending on the file of Subordinate Court, Ramanathapuram and transferring the same to the file of Subordinate Court, Attur, to be tried along with H.M.O.P.No.79 of 2016. No Costs. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

rsi

To

1. The Subordinate Judge,
Ramanathapuram.
2. The Subordinate Judge,
Attur.

+lcc to Mr.R.Ezhilarasan, Advocate, S.R.No.15785

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CS/19/04/18