

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED: 13.03.2018
CORAM
THE HONOURABLE Mrs. JUSTICE PUSHPA SATHYANARAYANA

Tr.C.M.P.No.938 of 2017
and CMP. No.18763 of 2017

K.Anandalakshmi

... Petitioner

Vs

T.Vijayaraj

... Respondent

Transfer Civil Miscellaneous Petition filed under Section 24 of C.P.C. praying to withdraw the H.M.O.P.No.113 of 2017 from the file of the learned Subordinate Court, Sankarankoil and transfer the same to the learned Subordinate Court, Tirupattur to be jointly tried along with H.M.O.P.No.141 of 2017.

For Petitioner : Mr.G.Dhandapani

For Respondent : Served-No Appearance

O R D E R

This transfer petition is filed by the wife seeking transfer of H.M.O.P.No.113 of 2017 filed by the husband under Section 13 (1) (i-a) of the Hindu Marriage Act, pending on the file of the Sub Court, Sankarankoil, for divorce to the Sub Court, Tirupattur, to be tried along with H.M.O.P.No.141 of 2017, which is filed by the wife under Section 9 of the Hindu Marriage Act, for restitution of conjugal rights.

2. In paragraph 10 of the affidavit filed in support of the petition, the petitioner-wife has stated that the distance between Tirupattur and Sankarankoil is far off and she could not travel such a long distance without help of any male support. Hence, she sought for transfer.

3. Heard the learned counsel for the petitioner and perused the materials available on record. Though the respondent is served with notice and his name is printed in the cause list, there is no representation for him either in person or through counsel.

4. Since the appearance of the parties is not mandatory before the Sub Court, it may not be difficult for the

respondent-husband to attend the Court hearings. Hence, it would not be prejudicial for him, if the matter is transferred to Sub Court, Tirupattur.

5. Taking into consideration the above grievance of the petitioner and that in order to avoid multiplicity of proceedings and conflict of decisions between the above two cases and that Section 19(iii-a) of the Hindu Marriage Act, which speaks about the convenience of the wife is paramount, this transfer is allowed and H.M.O.P.No.113 of 2017 pending on the file of the Sub Court, Sankarankoil is withdrawn and transferred to the file of the Sub Court, Tirupattur to be tried along with H.M.O.P.No.141 of 2017. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS IX)

//True Copy//

Sub Assistant Registrar

srn

To

1. The Sub Judge, Sankarankoil
2. The Sub Judge, Tirupattur

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and
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