

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED:14.02.2018

C O R A M

THE HONOURABLE Mrs.JUSTICE PUSHPA SATHYANARAYANA

Tr.C.M.P.No.940 of 2017 and C.M.P.No.18783 of 2017

P.Anbukarasi

.. Petitioner

-Vs-

P.Kaviyarasu

.. Respondent

Transfer Civil Miscellaneous Petition filed under Section 24 of C.P.C praying to withdraw the case H.M.O.P.No.140 of 2017 on the file of the Court of the Subordinate Judge at Coimbatore and transfer the same to the Court of the Principal Sub Judge, Tiruppur, to be tried along with H.M.O.P.No.306 of 2017

For petitioner ... Mr.A.Abdul Kader

For Respondent Mr.S.Arjun

O R D E R

This Transfer Civil Miscellaneous Petition is filed seeking to withdraw the H.M.O.P.No.140 of 2017 pending on the file of the Sub Court, Coimbatore and transfer the same to the file of the Principal Sub Court, Tiruppur, to be along with H.M.O.P.No.306 of 2017.

2. The respondent-husband has filed H.M.O.P.No.140 of 2017 under section 13 (i) (i-a) of the Hindu Marriage Act before the Subordinate Judge, Coimbatore, for divorce. The petitioner-wife has also filed H.M.O.P.No.306 of 2014 under Section 9 of the Hindu Marriage Act before the Principal Sub Court, Tiruppur for restitution of conjugal rights.

3. Transfer is sought for by the petitioner on the ground that she has got no regular source of income and is depending on her parents. She is also working as daily coolie in Tiruppur Banian Sub Contractors. Apart from that, it is stated that the distance between the Tiruppur and Coimbatore is 40 kms.

4. Heard the learned counsel for the petitioner and the learned counsel for the respondent and perused the materials available on record.

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.140 of 2017 pending on the file of the Sub Court, Coimbatore to the file of the Principal Sub Court, Tiruppur to be tried along with H.M.O.P.No.306 of 2017.

6. Accordingly, the transfer Civil Miscellaneous Petition is allowed. H.M.O.P.No.140 of 2017 pending on the file of the Sub Court, Coimbatore shall withdrawn and transferred to the file of the Principal Sub Court, Tiruppur to be tried along with H.M.O.P.No.306 of 2017. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Deputy Registrar

//True Copy//

Sub Assistant Registrar

srn

To

1. The Sub Judge, Coimbatore.
2. The Principal Sub Judge, Tiruppur

+1cc to Mr.A.Abdul Kadar, Advocate SR.No.11694

+1cc to Mr.S.Arjun, Advocate SR.no.11290

sm:27.2.2018

Tr.C.M.P.No.940 of 2017
and C.M.P.No.18783 of 2017

सत्यमेव जयते

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