IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.02.2018

CORAM :

THE HONOURABLE Mrs. JUSTICE PUSHPA SATHYANARAYANA

Tr.C.M.P. No.988 of 2017

Renupriya ... Petitioner/Petitioner

Vs.

Balaji Ramanathan ... Respondent/Respondent

Prayer:- This Petition is filed under Section 24 of C.P.C., praying to withdraw and transfer of H.M.O.P.No.78 of 2017 pending on the file of the Principal Sub Court, Tindivanam to the file of the Sub Court, Maduranthagam to be tried along with H.M.O.P.No.77 of 2014.

For Petitioner : Mr.J.Karthiekayan
For Respondent : Mr.S.Kingston Jerold

O R D E R

The petitioner/wife has filed this transfer Civil Miscellaneous Petition seeking to withdraw H.M.O.P.No.78 of 2017, pending on the file of the Principal Sub Court, Tindivanam and transfer the same to the file of Sub Court, Maduranthagam to be tried along with H.M.O.P.No.77 of 2014.

2. The respondent/husband has filed H.M.O.P.No.77 of 2014 under Section 13(1)(i-b) of the Hindu Marriage Act, before the Subordinate Judge, Maduranthagam, for dissolution of marriage held between the petitioner and respondent on 24.05.2010. The petitioner/wife has also filed H.M.O.P.No.78 of 2017 under Section 9 of the Hindu Marriage Act, before the Principal Subordinate Judge, Tindivanam for restitution of conjugal rights, in which, the respondent/husband has been appearing.

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

4. As H.M.O.P.No.77 of 2014 filed by the husband under Section 13(1) (i-a) and 13(i-b) of the Hindu Marriage Act is pending before the Sub Court Maduranthagam and H.M.O.P.No.78 of

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2017 filed by the wife under section 9 of the Hindu Marriage Act is pending before the Principal Sub Court, Tindivanam, there would be conflict of decisions, if they are tried independently.

5. The learned counsel appearing for the respondent/husband submitted that the respondent/husband has got no serious objection for the said transfer.

6. 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.78 of 2017 pending on the file of the Principal Sub Court, Tindivanam to the file of the Sub Court, Maduranthagam to be tried along with H.M.O.P.No.77 of 2014.

7. Accordingly, the transfer Civil Miscellaneous Petition is allowed. H.M.O.P.No.78 of 2017 pending on the file of the Principal Sub Court, Tindivanam is withdrawn and transferred to the file of the Sub Court, Maduranthagam to be tried along with H.M.O.P.No.77 of 2014. No costs.

s/d-
Assistant Registrar(CS VII)

True Copy

Sub-Assistant Registrar

srn

To
1. The Principal Sub Judge, Tindivanam

2. The Sub Judge, Maduranthagam

+1 CC to Mr.J. Karthikeyan, advocate sr 1981.
+1 cC to Mr. Kingston Jerold Advocate sr 11955.

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