

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.07.2018

CORAM :

THE HONOURABLE MS. JUSTICE V.M.VELUMANI

Tr.C.M.P.No.404 of 2018

and C.M.P.No.10628 of 2018

M.Ramesh

... Petitioner

Vs.

Radhika

... Respondent

Prayer:- Petition is filed under Section 24 of C.P.C., to withdraw H.M.O.P.No.169 of 2017 pending on the file of the Sub Court, Perambalur and transfer the same to the file of Principal Sub Court, Tiruchirapalli, to be tried along with H.M.O.P.No.71 of 2018 pending on its file.

For Petitioner : Mr.V.Chandrasekaran

For Respondent : Mr.M.S.Premkumar
for Mr.T.Seenivasan

O R D E R

This Transfer Civil Miscellaneous Petition is filed by the petitioner/husband to withdraw H.M.O.P.No.169 of 2017 filed by the respondent/wife pending on the file of the Sub Court, Perambalur for divorce and transfer the same to the file of Principal Sub Court, Tiruchirapalli, to be tried along with H.M.O.P.No.71 of 2018, filed by the petitioner/husband for restitution of conjugal rights, on the ground that when the petitioner attended the Court proceedings, the family members of the respondent teased him with filthy language and other persons threatened him to give consent for divorce.

2.The learned counsel for the respondent submitted that no such occurrence took place as alleged by the petitioner. The respondent has filed a Transfer Civil Miscellaneous Petition before the Madurai Bench of this Court to transfer H.M.O.P.No.71 of 2018 pending on the file of the Principal Sub Court, Tiruchirapalli to the file of the Sub Court, Perambalur, to be tried along with H.M.O.P.No.169 of 2017 pending on its file.

3.When the Transfer Civil Miscellaneous Petition is taken up for hearing, the learned counsel for the petitioner submitted that the H.M.O.P.No.71 of 2018 filed by the petitioner may be transferred to Sub Court, Perambalur and sought for a direction to the respondent not to disturb petitioner's appearance for the Court proceedings.

4.The learned counsel for the respondent submitted that the respondent or her family members will not prevent the petitioner from appearing before the Sub Court at Perambalur.

5.Heard the learned counsel for the petitioner as well as the respondent.

6.In view of the submissions so made by both the learned counsel for the petitioner and respondent, without deciding the issue on merits, the petition in H.M.O.P.No.71 of 2018 pending on the file of the Principal Sub Court, Tiruchirapalli is ordered to be withdrawn and transferred to the file of the Sub Court, Perambalur, to be tried along with H.M.O.P.No.169 of 2017, in order to avoid multiplicity of proceedings and conflicting decisions being rendered by two different Courts. The learned Principal Subordinate Judge, Tiruchirapalli is directed to transmit all the records pertaining to H.M.O.P.No.71 of 2018 to the file of the Sub Court, Perambalur within a period of two weeks from the date of receipt of a copy of this order.

7.Accordingly, the Transfer Civil Miscellaneous Petition is disposed of. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

gsa

To

1.The Principal Subordinate Judge,
Tiruchirapalli.

2.The Subordinate Judge,
Perambalur.

+1cc to M/s.T.Seenivasan, Advocate SR.NO.50156

+1cc to Mr.V.Chandrasekaran, Advocate SR.NO.50904

GP(CO)

sm:7.9.2018

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