

IN THE HIGH COURT OF JUDICATURE AT MADRAS

RESERVED ON : 23.08.2018

PRONOUNCED ON : 28.08.2018

CORAM

THE HONOURABLE MR.JUSTICE T.RAVINDRAN

Transfer CMP.No. 505 of 2018
and
CMP.No. 12408 of 2018

S.Ashok Kumar ... Petitioner

Vs.

A.Nivethitha ... Respondent

Prayer :- Transfer Civil Miscellaneous Petition has been filed under Section 24 of CPC to withdraw the HMOP No.6 of 2018 pending on the file of the Principal Subordinate Court at Tiruvannamalai and to transfer the same to the file of the Principal Subordinate Court at Tambaram try along with HMOP No.474 of 2017.

For Petitioner : Mr.S.N.Ravikumar

For Respondent : Mr.U.Vasudevan

ORDER

The petitioner is the husband. The respondent is the wife.

2.All is not well qua the marital life of the petitioner and the respondent.

3.The petitioner has preferred HMOP.No.474 of 2017 for reunion against the respondent and the same is pending on the file of the Sub-Court, Tambaram. Seeking divorce, the respondent has levied HMOP No.6 of 2018 against the petitioner and the same is pending on the file of the Principal Sub-Court, Tiruvannamalai.

4.Expressing certain inconvenience and hardship in attending the proceeding at Thiruvannamalai Sub-Court and also contending that inasmuch as two proceedings are pending between the parties as regards their marital life, submitting that the conduct of the two proceedings by one and the same Court would be beneficial to both the parties and also would avoid conflict of decisions, the petitioner has come forward

with the transfer petition seeking the transfer of the divorce proceeding preferred by the respondent pending on the file of the Principal Sub-Court, Thiruvannamalai to the file of the Sub-Court, Tambaram for joint trial along with HMOP preferred by him for reunion.

5. In addition to that, it is also stated that the respondent is now residing at Pammal, Chennai, as could be seen from the petition preferred by her to set aside the exparte order passed against her in HMOP No.474 of 2017 and accordingly, put forth the case that by transferring the proceeding from Thiruvannamalai Court to Tambaram Court, no prejudice, as such, would be caused to the respondent. The abovesaid factum of staying at Pammal, Chennai has not been controverted by the respondent.

6. Be that as it may, considering the two proceedings pending between the parties with reference to their marital life and as common issues arise between the parties in both the proceedings, it is seen that the interest of justice would require the joint trial of two proceedings by one and the same Court and by way of the same, the parties would be required to adduce common evidence in both the proceedings and also the same would avoid conflict of decisions. Thus, it is found that the cause of justice would be advanced only by clubbing both the matters and determined by one and the same Court. Further, as above noted, when it is seen that the respondent has shifted her residence to Pammal, Chennai, the transfer of the proceeding from Thiruvannamalai Court to Tambaram Court would not cause any serious prejudice and hardship to the respondent. Accordingly, it is found that the petitioner has projected a sufficient cause for accepting the transfer request.

7. For the reasons aforesated, the HMOP No.6 of 2018 pending on the file of the Principal Sub Court, Thiruvannamalai is withdrawn and transferred to the file of the Sub-Court, Tambaram for joint trial along with HMOP No.474 of 2017.

Accordingly, the Transfer Civil Miscellaneous petition is allowed. Consequently, connected CMP No.12408 of 2018 is closed.

Sd/-

Assistant Registrar(CS v)

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Sub Assistant Registrar

sms

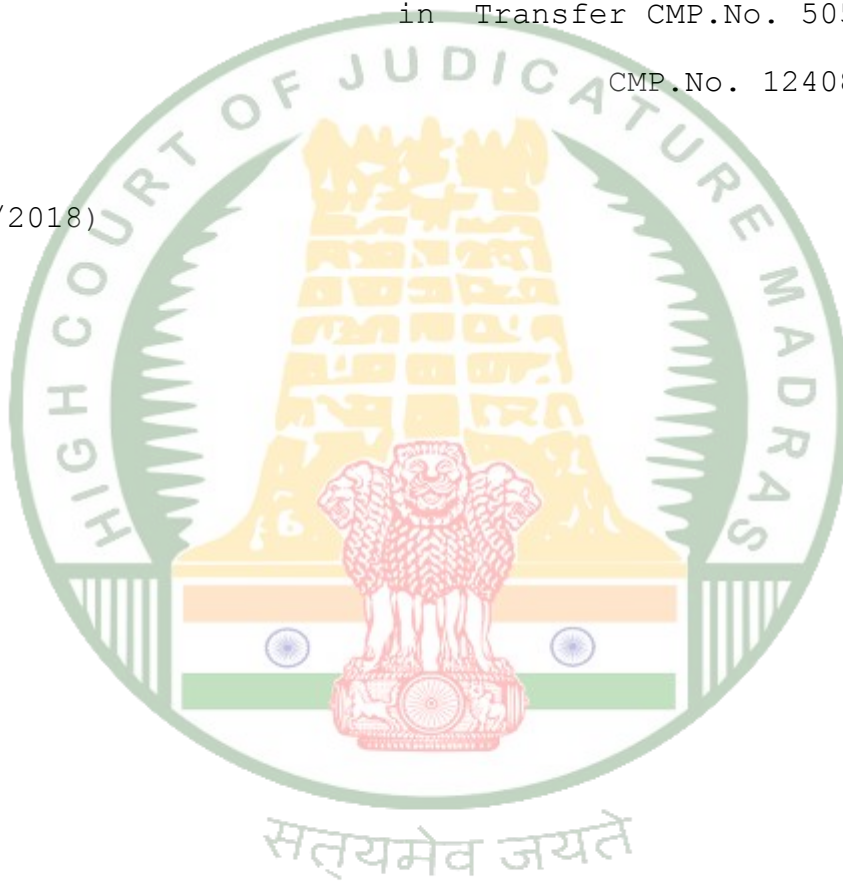
To

- 1.The Principal Subordinate Court at Tiruvannamalai.
- 2.The Principal Subordinate Court at Tambaram.

+2cc to Mr.S.N.Ravikumar , Advocate SR.No. 57616,58909
+2cc to Mr.U.Vasudevan , Advocate SR.No. 58775,58200

Order made
in Transfer CMP.No. 505 of 2018
and
CMP.No. 12408 of 2018

ASK(19/09/2018)



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