

IN THE HIGH COURT OF JUDICATURE AT MADRAS

RESERVED ON : 30.08.2018

PRONOUNCED ON : 03.09.2018

CORAM

THE HONOURABLE MR.JUSTICE T.RAVINDRAN

Transfer CMP.No. 515 of 2018

and

CMP.No.12572 of 2018

A.P.Dharani ... Petitioner

Vs.

T.Senthamari Kannan ... Respondent

Prayer :- Transfer Civil Miscellaneous Petition has been filed under Section 24 of CPC to withdraw HMOP No.266 of 2017 on the file of the Sub-Court, Tambaram, Kancheepuram and transfer the same to the file of the Family Court, Tiruchirapalli and try the same along with the HMOP No.216 of 2018.

For Petitioner : Mr.J.Ramkumar

For Respondent : Mr.A.G.Rajakumar

ORDER

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

2.The marital life between the parties is not cordial.

3.It is found that the respondent has laid divorce proceeding against the petitioner in HMOP No.266 of 2017 and the same is pending on the file of the Sub-Court Tambaram. It is further seen that the petitioner has filed HMOP No.216 of 2018 for restitution of conjugal rights against the respondent and the same is pending on the file of the Family Court, Trichirapalli.

4.Contending that the petitioner is a resident of Trichirappalli and living with her aged parents and also working as a lecturer in Anna University, Trichirappalli, expressing certain inconvenience and hardship in travelling to Tambaram Court for attending the divorce proceeding laid against her by the respondent and also apprehending danger to her life and body at the hands of the respondent, the present petition has come to be laid by the petitioner for seeking the transfer of the proceeding from Tambaram to Trichy Court for joint trial.

5.The respondent has contested the petitioner's request by contending that no prejudice would be caused to the petitioner in the divorce proceeding being continued at Tambaram Court and accordingly, also disputed the hardship and inconvenience alleged by the petitioner in defending the proceeding at Tambaram Court and accordingly, prayed for the dismissal of the transfer petition.

6.As seen from the facts abovestated, two proceedings are pending in different forums as regards the marital issues between the parties, one at Tambaram Court and another at Trichy Court. As

common issues are involved in both the proceedings, in the interest of justice, I am of the considered opinion that both the proceedings should be tried and determined by one and the same Court, and by way of the same, conflict of decisions could also be avoided. Accordingly, it is seen that the petitioner has made out a cause for joint trial of the two proceedings by one and the same Court.

7. The petitioner has expressed certain inconvenience and hardship in travelling to Tambaram Court for defending the divorce proceeding laid by the respondent. No doubt, the same is challenged by the respondent. Be that as it may, when it is found that the petitioner is also employed at Anna University, Trichy, it is seen that she would be unable to attend the proceeding at Tambaram Court now and then. On the other hand, the relative hardship that may be caused to the respondent if he is directed to proceed to Trichy Court is found to be lesser. In any event, it is seen that the respondent would be required to defend the OP proceeding laid by the petitioner against him. In such view of the matter, the transfer request of the petitioner, if acceded to, it is seen that no serious prejudice, as such, would be caused to the respondent.

8. For the reasons aforesaid, HMOP No.266 of 2017 is withdrawn from the file of the Sub Court, Tambaram and transferred to the file of the Family Court, Trichirappalli for joint trial along with HMOP No.216 of 2018 as per law.

Accordingly, the Transfer Civil Miscellaneous petition is allowed. Consequently, connected CMP.No.12572 of 2018 is closed.

Index : Yes / No

Internet : Yes / No

sms

03.09.2018

To

1. The Sub-Court, Tambaram, Kancheepuram.

2. The Family Court, Tiruchirappalli.

T.RAVINDRAN, J.

sms

Pre-delivery Order made
in
Transfer CMP.No. 515 of 2018
and
CMP.No.12572 of 2018

03.09.2018