

IN THE HIGH COURT OF JUDICATURE AT MADRAS

RESERVED ON : 03.09.2018

PRONOUNCED ON:11.09.2018

CORAM:

THE HON'BLE MR.JUSTICE T.RAVINDRAN

Tr.C.M.P.No.544 of 2018

and

C.M.P.No.13485 of 2018

Queen Rose Sucila

...Petitioner

Vs.

Noble Lourdhu Raj

...Respondent

Prayer:

Transfer Civil Miscellaneous Petition filed under Section 24 of C.P.C., to transfer the case in D.O.P.No.117 of 2017 from the file of the District and Sessions Judge No.II, Kancheepuram to the file of the Principal District Judge, Cuddalore to be tried as with I.D.O.P.No.77 of 2018.

For Petitioner : Mr.v.Balamurugane

For respondent : No appearance
Set exparte
vide order dated 03.09.2018

O R D E R

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

2. The marital life between the parties is not cordial. Materials placed on record go to show that the divorce proceeding had been laid by the respondent against the petitioner in D.O.P.No.117 of 2017 and the same is pending on the file of the District and Sessions Judge No.II, Kancheepuram. It is further seen that the petitioner has filed I.D.O.P.No.77 of 2018 against the respondent for restitution of conjugal rights and the same is pending on the file of Principal District Court, Cuddalore. Contending that the petitioner is experiencing inconvenience and hardship in attending the proceeding at Kancheepuram Court and also further stating that inasmuch as the case laid by the petitioner is pending on the file of the Principal District Court, Cuddalore, accordingly,

the petitioner has come forward with the present Transfer Miscellaneous Petition seeking for the transfer of divorce proceeding laid by the respondent from the file of Kancheepuram Court to Cuddalore Court.

3. Two proceedings are pending between the parties as regards the marital issues between them. In such view of the matter, in my considered opinion, the consolidation of the two proceedings together and the determination of the same by one and the same court would advance the interest of justice. By way of the same, the parties may be required to be adduce common evidence in both the proceedings and conflict of decisions could also be avoided. In addition to that, the petitioner has also put forth some inconvenience and hardship in attending the proceeding at Kancheepuram Court. The same has not been controverted by the respondent. Though the respondent had entered appearance in the case at the initial stage, as he had remained absent without contesting the claim of the transfer request of the petitioner, he has been set exparte. Accordingly, it is seen that by having both the proceedings tried at Cuddalore Court, no serious prejudice would be caused to the respondent.

4. In the light of the above factors, the D.O.P.No.117 of 2017 is withdrawn from the file of District and Sessions Court No.II, Kancheepuram and transferred to the file of the Principal District Court, Cuddalore, for joint trial along with I.D.O.P.No.77 of 2018 as per law. Accordingly, the Transfer Civil Miscellaneous Petition is allowed. Consequently, connected miscellaneous petition, if any, is closed.

Sd/-
Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

To

1. The District and Sessions Judge No.II, Kancheepuram.
 - 2.The Principal District Judge, Cuddalore.
- +1cc to Mr.P.Muthukumaara Saamy, Advocate, S.R.No.63560

Tr.C.M.P.No.544 of 2018
and
C.M.P.No.13485 of 2018

KAN(CO)
GSP(25/09/2018)