

IN THE HIGH COURT OF JUDICATURE AT MADRAS

RESERVED ON : 11.09.2018
RONOUNCED ON : 18.09.2018

CORAM
THE HONOURABLE MR. JUSTICE T.RAVINDRAN

TR CMP.547/2018
and
CMP.13530/2018

S.Anitha

...Petitioner

Vs.

Madheswaran

...Respondent

Prayer:

Transfer CMP filed under Section 24 of Civil Procedure Code, praying to withdraw HMOP. No.24/2018 from the file of the Sub Court, Rasipuram and transfer to the file of Sub Court at Harur to be tried alongwith HMOP No.48 of 2018.

For Petitioner : Mr.S.Ramachandran

For Respondent : Mr.K.Vasuvenkat

ORDER

The petitioner is the wife.

2. The respondent is the husband.

3. It is found that the respondent has laid HMOP No.24 of 2018 against the petitioner for divorce and the same is pending on the file of the Sub Court, Rasipuram. It is further noted that the petitioner has laid HMOP No.48 of 2018 against the respondent for restitution of conjugal rights and the same is pending on the file of Sub Court, Harur.

4. The petitioner contending that she is residing at Pappirettipatti Taluk, Dharmapuri District and have to look after her child, thereby, put forth certain inconvenience and hardship in attending the proceeding at Rasipuram Court and on the abovesaid grounds, sought for the transfer of proceeding from Rasipuram court to Harur Court.

5. Two proceedings are pending between the parties as regards the marital issues involved between them. In such view

of the matter, consolidation of two proceedings and determination of the same by one and the same court would be in the interest of justice and by way of the same, conflict of decisions could also be avoided. Furthermore, the parties would also be required to adduce common evidence in both the proceedings if the two proceedings are jointly tried by one and the same court. The petitioner has put forth certain inconvenience and hardship in attending the proceeding at Rasipuram Court. The same cannot be easily discarded. By effecting transfer of the proceeding pending at Rasipuram court to Harur Court, no serious prejudice is found to be caused to the respondent.

6. In the light of the abovesaid factors, HMOP. No.24/2018 is withdrawn from the file of the Sub Court, Rasipuram and transferred to the file of the Sub Court, Harur for joint trial with H.M.O.P. No. 48 of 2018 as per law.

7. Accordingly, the Transfer Civil Miscellaneous Petition is allowed. Consequently, connected CMP No.13530/2018 is closed.

Sd/-
Assistant Registrar(CS IX)

//True Copy//

Sub Assistant Registrar

bga

To

- 1.Sub Court, Rasipuram
- 2.Sub Court, Harur

+1cc to Mr.S.Ramachandran, Advocate, S.R.No.64309
+1cc to Mr.K.Vasuvenkat, Advocate, S.R.No.64309

TR CMP.547/2018
and
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SPD(CO)

rrs 04/10/2018

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