

IN THE HIGH COURT OF JUDICATURE AT MADRAS

RESERVED ON : 09.10.2018

PRONOUNCED ON : 10.10.2018

CORAM

THE HONOURABLE MR.JUSTICE T.RAVINDRAN

Transfer CMP.No. 640 of 2018
and
CMP.No.15808 of 2018

Nalini ... Petitioner

Vs.

S.Ganesh @ Karthik ... Respondent

Prayer :- Transfer Civil Miscellaneous Petition has been filed under Section 24 of CPC to withdraw the HMOP No.124 of 2018 on the file of the Sub-Court, Tambaram and to transfer the same to Sub-Court, Ponneri.

For Petitioner : Mr.P.Chandrasekar
For Respondent : Mr.S.Mohideen

ORDER

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

2.The respondent has laid HMOP No.124 of 2018 for restitution of conjugal rights against the petitioner and the same is pending on the file of the Sub Court, Tambaram. It is seen that the petitioner has preferred HMOP No.----/2018 before the Sub-Court, Ponneri under Section 12 (1)(a) of the Hindu Marriage Act and the same is pending in I.A.No.55 of 2018.

3.Seeking transfer of the matrimonial proceeding of the respondent from Tambaram Sub-Court to Ponneri Sub-Court, the transfer petition has been laid by the petitioner on the footing that she is a resident of Ponneri Taluk and unable to attend the proceeding at Tambaram Court, considering the distance between her residence and Tambaram Court and also depending upon her aged parents and no able male member is available in her family to assist her to attend the proceeding at Tambaram Court and also she incurs expenses in attending the proceeding at Tambaram

Court and accordingly, prayed for the transfer of the proceeding to Ponneri Court.

4.Per contra, it is the case of the respondent that the transfer petition has been laid by the petitioner to cause inconvenience and hardship to the respondent and if at all the petitioner has a reasonable cause for seeking the transfer, she would seek for the transfer of both the proceedings to Chennai Court and on the other hand, according to the respondent, if the proceeding is transferred to Ponneri Court, he would be put to loss and hardship and therefore, prayed for the dismissal of the petition.

5.Admittedly, the proceeding had been laid by the petitioner against the respondent as regards the matrimonial issues between the parties and the same is pending on the file of the Sub-Court, Ponneri. In such view of the matter, the respondent would be required to defend the said proceeding at Ponneri Court. Now, the respondent has also preferred the matrimonial case against the petitioner, which is pending on the file of the Sub-Court, Tambaram. Therefore, considering the issues involved in both the proceedings, touching upon the matrimonial issues involved between the parties, in my considered opinion, the consolidation of two proceedings and the determination of the same by one and the same Court would be beneficial to both the parties and by way of the same, conflict of decisions could also be avoided. Furthermore, the parties also would be required to adduce common evidence. Therefore, the cause of justice would be advanced, if both the proceedings are clubbed together and determined by one and the same court.

6.The petitioner has putforth certain inconvenience and hardship in attending the proceeding at Tambaram Court and the same cannot be easily discarded. Considering the status of the respondent and his residence, it is seen that the conduct of the proceeding at Ponneri Court would not cause serious loss and hardship to the respondent and considering the transport facility to Ponneri Court from Chennai, in all, it is seen that the petitioner has made out a sufficient cause for accepting the transfer request made by her.

7.Resultantly, HMOP No.124 of 2018 is withdrawn from the file of the Sub-Court, Tambaram and transferred to the file of the Sub-Court, Ponneri for disposal as per law.

Accordingly, the Transfer Civil Miscellaneous petition is allowed. Consequently, connected CMP No.15808 of 2018 is closed.

Sd/-

Assistant Registrar (CS-VI)

//True Copy//

Sub Assistant Registrar

10.10.2018

sms

To

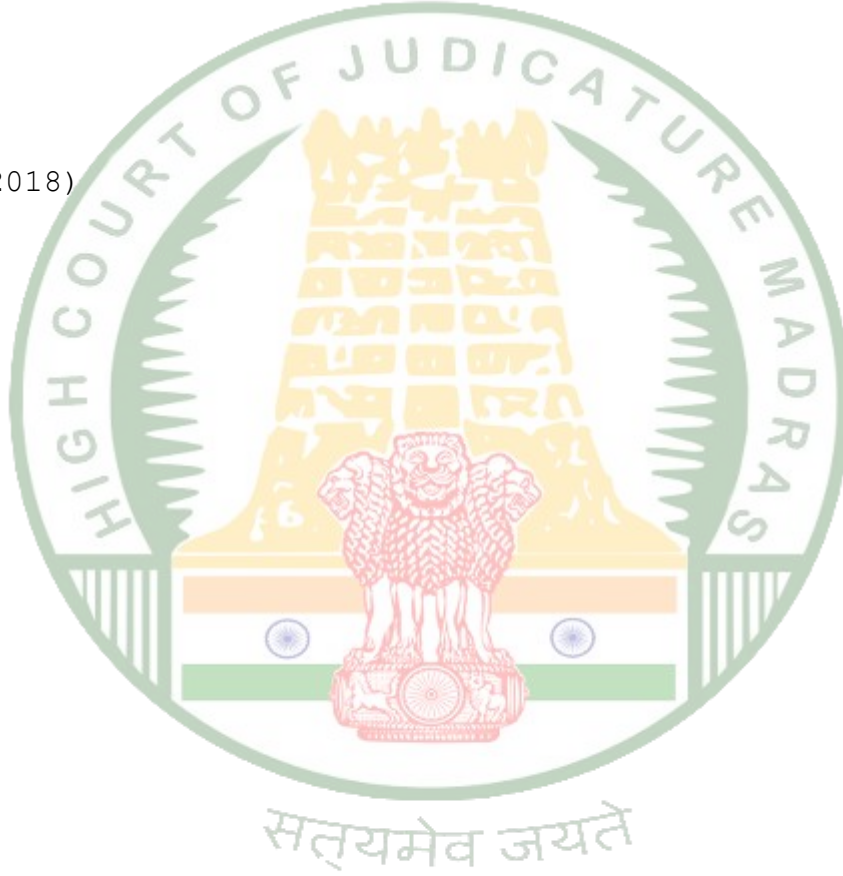
1.The SubOrdinate Judge, Tambaram.

2.The Subordinate Judge, Ponneri.

+1cc to Mr.P.Chandra Sekar, Advocate, S.R.No. 70033

Transfer CMP.No. 640 of 2018
and
CMP.No.15808 of 2018

GJII(CO)
GN(25/10/2018)



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