

IN THE HIGH COURT OF JUDICATURE AT MADRAS

RESERVED ON : 25.10.2018

PRONOUNCED ON : 26.10.2018

CORAM

THE HONOURABLE MR.JUSTICE T.RAVINDRAN

Transfer CMP.No.680 of 2018
and
CMP.No.16718 of 2018

Abirami @ Uma ...Petitioner/Respondent

Vs.

D.Nagendran ...Respondent/Petitioner

Prayer :- Transfer Civil Miscellaneous Petition has been filed under Section 24 of CPC to withdraw the HMOP No.66 of 2017 on the file of the Hon'ble Subordinate Judge, Dharapuram and Transfer the same to Family Court, Coimbatore to be tried along with HMOP No.1250 of 2018.

For Petitioner : Mr.K.Suresh
For M/s.Shivakumar and Suresh

For Respondent : Mr. S.Arjun

ORDER

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

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

3.The respondent has levied HMOP No.66 of 2017 against the petitioner for declaring the marriage held between the petitioner and the respondent as null and void and the same is pending on the file of the Sub-Court, Dharapuram. It is seen that the petitioner has laid HMOP No.1250 of 2018 against the respondent for restitution of conjugal rights and the same is pending on the file of the Family Court, Coimbatore.

4.The petitioner has laid the transfer petition, seeking transfer of the respondent's proceeding to Coimbatore Court on the footing that she is depending upon her parents and unable to travel to Dharapuram Court in defending the proceeding considering the distance and also apprehends danger to her life

and body at the hands of the respondent at Dharapuram and accordingly, prayed for the transfer.

5.The respondent contended that the transfer request putforth by the petitioner has been made only to cause inconvenience and hardship to him, therefore, prayed for the dismissal of the transfer petition.

6.Two proceedings are pending concerning the matrimonial issues involved between the parties in two different forums. In such view of the matter, 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.

7.The petitioner has putforth certain inconvenience and hardship in attending the proceeding at Dharapuram, the same cannot be easily ignored. Considering the fact that the petitioner being a lady and dependent upon her parents and also the distance between Coimbatore and Dharapuram being on the higher side, it is thus found that the abovesaid reasons projected by the petitioner also merit consideration.

8.For the reasons aforesaid, HMOP No.66 of 2017 is withdrawn from the file of the Sub-Court, Dharapuram and transferred to the file of the Family Court, Coimbatore for joint trial along with HMOP No.1250 of 2018 as per law.

Accordingly, the Transfer Civil Miscellaneous petition is allowed. Consequently, connected CMP No.16718 of 2018 is closed.

Sd/-

Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

To

1.The Sub Judge,
Sub-Court,
Dharapuram.

2.The Judge,
Family Court,
Coimbatore.

+1cc to Mr.Shivakumar and Suresh, Advocate, S.R.No.73448
+1cc to Mr.S.Arjun, Advocate, S.R.No.73288

Transfer CMP.No.680 of 2018
and

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VGI (CO)

rrs 14/11/2018



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