



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 12.10.2018

CORAM

WEB COPY

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

TR.C.M.P.(MD).No.148 of 2018 and
C.M.P.(MD)No.3145 of 2018

Santhi

... Petitioner/Respondent

Vs.

Sampath

... Respondent/Petitioner

PRAYER : Transfer Civil Miscellaneous petition is filed under Section 24 of the Civil Procedure Code, to withdraw H.M.O.P.No.118 of 2017 pending on the file of the Sub Court, Ramanathapuram and transfer the same to the file of the Sub Court, Devakottai.

For Petitioner : Mr.A.Muralikumar

For Respondent : No appearance.

O R D E R

The petitioner got married to the respondent on 24.03.2006. The respondent filed H.M.O.P.No.118 of 2017 before the Sub Court, Ramanathapuram, seeking divorce. The petitioner on the other hand filed H.M.O.P.No.23 of 2018 before the Sub Court, Devakottai, for restitution of conjugal rights.

2. Therefore, in the very nature of things, both the cases will have to be tried together. Since the petitioner is a woman, in the interest of justice, this Court withdraws H.M.O.P.No.118 of 2017 from the file of the Sub Court, Ramanathapuram, and transfers the same to the file of the Sub Court, Devakottai, for being jointly tried along with H.M.O.P.No.23 of 2018. The Sub Court, Devakottai, shall issue fresh notice of hearing to the respondent. The respondent however need not appear in person before the Sub Court, Devakottai, on all occasions. He needs to appear only on counselling dates and on those days, when for his examination as witness, his presence is necessary and on all other days he can be represented through his counsel.



3. The Transfer Civil Miscellaneous petition stands allowed, accordingly. No costs. Consequently, connected Miscellaneous petition is closed.

WEB COPY

/True Copy/

Sd/-
Assistant Registrar(CS-I)

Sub Assistant Registrar(CS-III)

To

1. The Subordinate Judge,
Ramanathapuram.

2. The Subordinate Judge,
Devakottai.

: 1 CC TO Mr.A.Muralikumar, ADVOCATE IN SR No.90645.

.

• Pmu

• DS SKN SAR3 03 12 20185 2P 4C

ORDER MADE IN
TR.C.M.P.(MD).No.148 of 2018 and
C.M.P.(MD)No.3145 of 2018
12.10.2018