



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 28.11.2018

CORAM:

THE HONOURABLE MR.JUSTICE T.RAVINDRAN

Tr.C.M.P. (MD) No.448 of 2018

and

C.M.P. (MD) No.10481 of 2018

R.Suganya

... Petitioner

-vs-

V.Veera Ramani

... Respondent

PRAYER: Transfer Civil Miscellaneous Petition is filed under Section 24(1) of the Code of Civil Procedure to withdraw the case in H.M.O.P.No.157 of 2018, pending on the file of the Subordinate Court-I, Madurai, (Melur Camp) and to transfer the same to the Subordinate Court, Theni.

For Petitioner : Mr.G.Rajan

For Respondent : Mr.R.Jothi Ramalingam

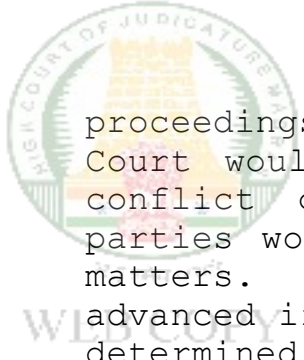
O R D E R

The petitioner is the wife. The respondent is the husband. All is not well *qua* the marital life of the parties concerned. It is seen that the respondent/husband has levied H.M.O.P.No.157 of 2018 for restitution of conjugal rights and the same is pending on the file of the Subordinate Court-I, Madurai (Melur Camp). Further it is noted that the petitioner/wife has laid a divorce case against the respondent in H.M.O.P.No.242 of 2018 and the same is pending on the file of the Subordinate Court, Theni.

2. Seeking transfer of the respondent's proceeding to Theni Subordinate Court, the present transfer petition has been laid by the petitioner on the footing that she is unable to attend the proceeding at Madurai Court on account of the distance factor and also would be subjected to costs in attending the proceeding at Madurai Court(Melur Camp) and therefore, prayed for transfer.

3. It is represented by the respondent's Counsel that inasmuch as the proceeding of the respondent is only pending before the Subordinate Court, the presence of the petitioner may not be required on all the hearing dates and therefore, according to him, the continuance of the proceeding at Madurai Court would not cause any prejudice to the petitioner.

4. Two proceedings are pending in different forums concerning the marital issues between the parties. 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 parties and by way of same, conflict of decisions could be avoided and furthermore, the parties would also be required to adduce common evidence in both matters. It is thus noted that the cause of justice would be advanced if both the proceedings laid by the parties are tried and determined by one and the same Court.

5. Considering the distance factor between the petitioner's residence and Madurai Court (Melur Camp), it is seen that the petitioner would be experiencing difficulty and hardship in attending the proceeding at Madurai Court (Melur Camp). Furthermore, the respondent would be required to defend the proceeding of the wife's case at Theni Court and in such view of the matter, if the respondent's proceeding is also transferred to Theni Court, by way of the same, it is seen that no serious prejudice would be caused to the respondent.

6. For the reasons afore stated it is seen that the petitioner has made out a sufficient cause for acceding to the transfer request projected by her. The ends of justice would also be served if both the proceedings are tried at Theni Court as above discussed. In conclusion, H.M.O.P.No.157 of 2018 is withdrawn from the file of the Subordinate Court -I, Madurai (Melur Camp) and transferred to the file of the Subordinate Court, Theni for joint trial along with H.M.O.P.No.242 of 2018 as per law. Accordingly, the Transfer Civil Miscellaneous Petition is allowed. No costs. Consequently, the connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar(P&A)

/True Copy/

Sub Assistant Registrar(CS-II)

To

1. The Subordinate Court -I, Madurai (Melur Camp).
2. The Subordinate Court, Theni.

+1 cc TO Mr.G.Rajan, ADVOCATE IN SR NO.97919

SSL
MK/ES/RSK/SAR 2/27.12.2018/2P/4C

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