



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 12.07.2018

CORAM :

WEB COPY

THE HONOURABLE MR. JUSTICE M.V.MURALIDARAN

Tr.C.M.P. (MD) No.435 of 2017
and
C.M.P. (MD) No.8709 of 2017

Tamil Elakkiya, W/o.Gopalakrishnan ... Petitioner

Vs.

Gopalakrishnan, S/o.Kannan ... Respondent

Petition filed under Section 24 of the Civil Procedure Code, to withdraw the petition in H.M.O.P.No.24 of 2017, from the file of Principal Subordinate Court, Cuddalore, and transfer the same to the file of Subordinate Court, Trichy.

For Petitioner : Mr.A.C.Asaithambi
For Respondent : Mr.R.J.Karthick

ORDER

This petition has been filed by the petitioner/wife to withdraw and transfer the case in H.M.O.P.No.24 of 2017, pending on the file of Principal Subordinate Court, Cuddalore, to the file of Subordinate Court, Trichy.

2.The petitioner herein is the wife and the respondent is the husband. The marriage between the petitioner and the respondent was solemnized on 01.06.2014 as per Hindu Rites and Customs. Due to misunderstanding between them, the respondent filed H.M.O.P.No.24 of 2017 before the Principal Subordinate Court, Cuddalore, for divorce. During the pendency of the Transfer Civil Miscellaneous Petition, the petitioner filed H.M.O.P.No.373 of 2017 before the Subordinate Court, Trichy, for restitution of conjugal rights.

3.According to the petitioner, she is residing at Trichy and she is not having any independent income and depending on her parents for her day-to-day expenses including the travelling expenses. It is very difficult for her to appear before the Principal Subordinate Court at Cuddalore, for each and every hearing. Therefore, she has come out with the present petition to withdraw the case in H.M.O.P.No.24 of 2017 from file of the Principal Subordinate Court, Cuddalore, and transfer the same to



file of the Subordinate Court, Trichy.

4.I have heard the learned counsel appearing for the parties.

5.Considering the facts and circumstances of the case, this Court directs the learned Principal Subordinate Judge, Cuddalore and the learned Subordinate Judge, Trichy, to transfer the entire case bundles in H.M.O.P.Nos.24 and 373 of 2017 pending before the respective Courts to the Subordinate Court, Perambalur, within a period of two weeks from the date of receipt of a copy of this order. On receipt of the said case bundles, the learned Subordinate Judge, Perambalur, is directed to try both petitions jointly and dispose of the same on merits and in accordance with law, within a period of four months. The Registry is also directed to send back the papers that are pending before the Registry.

6.This Transfer Civil Miscellaneous Petition is disposed of accordingly. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar (CS-II)

/True Copy/

Sub Assistant Registrar (CS-3)

To

1. The Principal Subordinate Judge,
Cuddalore.
2. The Subordinate Judge, Trichy.
3. The Subordinate Judge, Perambalur.

Copy To:-

The Section Officer,
V.R.Section,
Madurai Bench of Madras High Court,
Madurai. (2 Copies)

+ 1 CC TO Mr.A.C.ASAITHAMBI, ADVOCATE IN SR No. 72818

SMN2

TE/PN/SAR-3 : 24/07/2018 : 2P/7C