



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 27.11.2018

CORAM:

WEB COPY

THE HONOURABLE MR.JUSTICE T.RAVINDRAN

Tr.C.M.P. (MD) No.456 of 2018
and
C.M.P.(MD)No.10653 of 2018

T.Gayathiri

... Petitioner

-vs-

R.Venkatesh

... Respondent

PRAYER: Transfer Civil Miscellaneous Petition is filed under Section 24 of the Code of Civil Procedure to withdraw and transfer the petition in H.M.O.P.No.209 of 2018 on the file of the Family Court, Trichy to the Family Court, Nagercoil to try along with H.M.O.P.No.158 of 2018, filed by the petitioner.

For Petitioner : Mr.P.M.Vishnuvarthanan

For Respondent : Mr.A.Hajamohideen

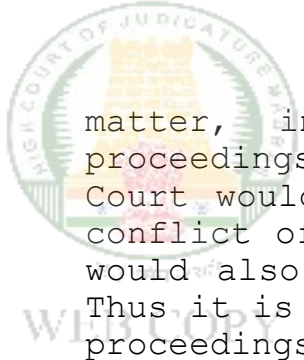
O R D E R

The petitioner is the wife. The respondent is the husband. It is seen that the respondent has laid H.M.O.P.No.209 of 2018 for divorce against the petitioner and the same is pending on the file of the Family Court, Trichy. Even prior to the same in the year 2017 itself, the petitioner has levied H.M.O.P.No.162 of 2017 against the respondent and the same is pending on the file of the Family Court, Nagercoil which has been renumbered at present as H.M.O.P.No.158 of 2018.

2. Seeking transfer of the respondent's divorce proceeding to Nagercoil Family Court, the present transfer petition has been laid by the petitioner by contending that she is finding it difficult and experiencing hardship in attending the proceeding at Trichy Court. Furthermore it is also pleaded that inasmuch as her petition for restitution of conjugal rights is pending on the file of the Family Court, Nagercoil, accordingly in the interest of justice prayed for consolidation of the two proceedings and the determination of the same by one and the same Court and accordingly prayed for transfer of the respondent's proceeding to the Family Court, Nagercoil.

<https://hcservices.ecourts.gov.in/hcservices/>

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

4. The petitioner has put forth certain inconvenience and hardship in attending the proceeding at Trichy Court. Further for the reasons afore sated also, it is seen that the two proceedings are to be jointly tried by one and the same Court. Thus it is noted that the petitioner has made out sufficient cause for acceding to the transfer request prayed by the petitioner.

5. In conclusion, H.M.O.P.No.209 of 2018 is withdrawn from the file of the Family Court, Trichy and transferred to the file of the Family Court, Nagercoil for joint trial along with H.M.O.P.No.158 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-IV)

To:

1. The Judge, Family Court, Trichy.
2. The Judge, Family Court, Nagercoil.

+ 1 CC TO Mr.A.HAJAMOHIDEEN, ADVOCATE IN SR No. 97147

SSL

TE/SV/SAR-4 : 17/12/2018 : 2P/4C

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