



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 20.08.2018

CORAM

THE HONOURABLE MR. JUSTICE G.R. SWAMINATHAN

TR.C.M.P. (MD) .No.253 of 2018

and

C.M.P. (MD) No.6416 of 2018

J.Muthuselvi

... Petitioner/Respondent

Vs.

K.Sivananthan

... Respondent/Petitioner

PRAYER : Transfer Civil Miscellaneous petition is filed under Section 24 of Civil Procedure Code, to withdraw H.M.O.P.No.39 of 2018 pending on the file of the Sub Court, Uthamapalayam, Theni District and transfer the same to the Sub Court, Periyakulam, Theni District, to be tried along with H.M.O.P.No.27 of 2018 on the file of the Sub Court, Periyakulam, Theni District.

For Petitioner : Mr.M.Balakrishnan

For Respondent : No appearance.

O R D E R

The petitioner is the wife. She got married to the respondent on 04.12.2016. The marital relationship between the parties appears to have come under strain. The petitioner filed H.M.O.P. No.27 of 2018 before the Sub Court, Periyakulam, for restitution of conjugal rights. The respondent filed H.M.O.P.No.39 of 2018 before the Sub Court, Uthamapalayam, for divorce. The petitioner is not employed. Since both these cases will have to be tried together, it will be better to transfer the H.M.O.P.No.39 of 2018 filed by the husband.

2. In this view of the matter, H.M.O.P.No.39 of 2018 pending on the file of the Sub Court, Uthamapalayam, is withdrawn and transferred to the file of the learned Subordinate Judge, Periyakulam, for trying along with H.M.O.P.No.27 of 2018. It is submitted that an ex-parte order has been passed in the H.M.O.P.No.27 of 2018 and the husband filed a petition to set aside the same. The learned Subordinate Judge, Periyakulam, shall allow the petition filed by the husband and try H.M.O.P.No.27 of 2018 filed by the petitioner and H.M.O.P.No.39 of 2018 filed by the husband together.



3. With these directions, the Transfer Civil Miscellaneous petition stands allowed. No costs. Consequently, connected Miscellaneous petition is closed.

Sd/-

Assistant Registrar(CO)

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/True Copy/

Sub Assistant Registrar(CS-I)

To

1. The Subordinate Judge,
Uthamapalayam, Theni District.
2. The Subordinate Judge,
Periyakulam, Theni District.

COPY TO

The Record Keeper, V.R.Section(2 copies)
Madurai Bench of Madras High Court, Madurai.

+1cc to Mr.M.Balakrishnan, Advocate Sr.No.79258

PMU

VB/SKN/SAR1/12.10.2018/2P/6C

ORDER MADE IN
TR.C.M.P. (MD) .No.253 of 2018 and
C.M.P. (MD) No.6416 of 2018
20.08.2018