



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 06.09.2018

CORAM:

WEB COPY

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

TR.C.M.P. (MD) No.356 of 2018

and

C.M.P. (MD) No.8575 of 2018

Senthilkumar

...Petitioner/Respondent

-Vs-

Vaithegi

...Respondent/Petitioner

Prayer: This Petition filed under Section 24 of the Code of Civil Procedure, praying to withdraw the case in H.M.O.P.No.60 of 2018 on the file of the learned Sub-Court, Mudukulathur and to transfer the same to the learned Sub-Court at Virudhunagar do as to try along with H.M.O.P.No.4 of 2018.

For Petitioner: Mr.C.Jeyaprakash

ORDER

The petitioner got married to the respondent on 05.09.2010 at Virudhunagar. It appears that the marital relationship has come under strain. The petitioner filed H.M.O.P.No.4 of 2018 before the Sub Court, Virudhunagar, seeking restitution of conjugal rights. The respondent filed H.M.O.P.No.60 of 2018 on the file of the Sub Court, Mudukulathur, seeking relief of divorce. In the very nature of things, both the matters will have to be heard and tried together.

2.The petitioner has filed this Transfer Civil Miscellaneous Petition for transferring the divorce case filed by his wife.

3.I am unable to agree with the submissions made by the learned counsel appearing for the petitioner. Rather, it is the petitioner who should go to Mudukulathur and contest the proceedings there. Therefore, even though this petition has been filed by the husband, seeking transfer of H.M.O.P.No.60 of 2018 from Mudukulathur to Virudhunagar, I am of the view that H.M.O.P.No.4 of 2018 should be withdrawn from the Sub Court, Virudhunagar and transferred to Mudukulathur for joint trial with H.M.O.P.No.60 of 2018.



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

Sd/-

Assistant Registrar (CS-II)

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// True Copy //

Sub Assistant Registrar (CS-II)

To

1.The Subordinate Judge,
Mudukulathur.

2.The Subordinate Judge,
Virudhunagar.

+ 1 CC TO MR.C.JEYAPRAKASH, ADVOCATE IN SR NO.82918

MYR

BU/SKN/SAR-II : 01.10.2018: 2P/4C

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