



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 26.10.2018
CORAM :
THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

TR CMP(MD)No.377 of 2018
and
CMP(MD)No.9166 of 2018

B.Rubalatha

... Petitioner

Vs.

M.Sivaguru

... Respondent

Prayer : This Transfer Civil Miscellaneous Petition is filed under Section 24 of the Civil Procedure Code, to withdraw the HMOP No.63 of 2018 on the file of the Sub Court, Udumalaipettai and transfer the same for the joint trial along with HMOP No.156 of 2018 on the file of the Principal Subordinate Judge, Tiruchirappalli.

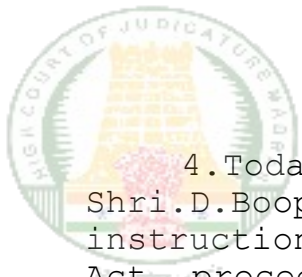
For Petitioner : Mr.D.Boopal
For Respondents : Mr.K.Vinayagam

ORDER

The petitioner got married to the respondent on 08.03.2017. The relationship between the parties appears to have come under strain. The respondent filed HMOP No.63 of 2018 on the file of the Sub Court, Udumalaipettai for dissolving his marriage with the petitioner herein. The petitioner herein has filed HMOP No.156 of 2018 on the file of the Principal Subordinate Judge, Trichy seeking restitution of conjugal rights.

2.In the very nature of things in order to avoid conflicting decisions, both the petitions will have to be heard together. The petitioner is a woman. Therefore, it will be difficult for her to go over to Udumalaipettai and contest the proceedings there. Hence, in the interest of justice, this Court withdraws HMOP No.63 of 2018 on the file of the Sub Court, Udumalaipettai and transfers the same to the file of the Principal Sub Court, Trichy for joint trial along with HMOP No.156 of 2018.

3.On notice issued in this Transfer Civil Miscellaneous Petition, the respondent appeared through his counsel and on the earlier occasion, the respondent's counsel submitted that proceedings under the Protection of Women from Domestic Violence Act, 2005, have been initiated by the petitioner not only against the petitioner but also against her in-laws. This Court made it clear that this Transfer CMP would be allowed only if specific undertaking is given that the Domestic Violence Act proceedings will be confined against the respondent and his parents and that it will be withdrawn as against remaining respondents.



4.Today, when the matter was taken up for hearing, Shri.D.Boopal, the learned counsel appearing for the petitioner on instructions from the petitioner specifically undertook that the D.V Act proceedings will be not pressed as against the other respondents except the respondent herein and his parents. This undertaking is recorded. In fact, this Transfer Civil Miscellaneous Petition is allowed only in view of the specific undertaking given by the learned counsel appearing for the petitioner.

5.Accordingly, this Transfer Civil Miscellaneous Petition is allowed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(Crl.side)

/True Copy/

Sub Assistant Registrar(CS-I)

To

1.The Sub Judge, Udumalaipettai.

2.The Principal Sub Judge, Trichirappalli.

+1CC to Mr.K.Vinayagam, Advocate, SR.No.92500

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SKM

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