

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25.03.2019

C O R A M

THE HONOURABLE MR.JUSTICE M. GOVINDARAJ

TR.CMP.NO.122 OF 2019
AND CMP NO.4164 OF 2019

Dr.Priyadarshini Emayavaramban ... Petitioner

Vs.

Dr.K.Rajarajan ... Respondent

PRAYER: Petition filed under Section 24 of the Civil Procedure Code to withdraw the proceedings in HMOP No.224 of 2018 pending on the file of the Subordinate Court at Tiruchirapalli and transfer the same to the V Additional Family Court, Chennai, to be tried along with HMOP No.4726 of 2018 pending before the V Additional Family Court, Chennai.

For Petitioner : Ms.K.Santhakumari

For Respondent : Mr.T.Seenivasan

O R D E R

This Transfer Civil Miscellaneous Petition is filed by the petitioner seeking to withdraw HMOP No.224 of 2018 pending on the file of the Subordinate Court at Tiruchirapalli and transfer the same to the V Additional Family Court, Chennai, to be tried along with HMOP No.4726 of 2018 pending before the same Court.

2. The petitioner is the wife. She filed a petition for restitution of conjugal rights in O.P.No.4726 of 2018 before the Family Court, Chennai. The respondent / husband filed a petition for divorce in HMOP No.224 of 2018 before the Sub Court, Trichy. The petitioner / wife finds it very difficult for travel all the way from Chennai to Trichy to attend the case on every hearing and seeks transfer of HMOP No.224 of 2018 filed by the respondent / husband, to the V Additional Family Court, Chennai, to be tried along with the petition filed by her, for restitution of conjugal rights.

3. Heard the submissions made on either side and perused the materials available on record.

4. During the course of arguments, learned counsel for the respondent would submit that the respondent / husband is employed at Jhansi, Uttar Pradesh and he has to come, for every hearing, to Trichy via Chennai, and therefore, it will be convenient for both the parties to have both the cases at Chennai.

5. Considering the convenience of the parties, H.M.O.P.No.224 of 2018 pending on the file of Sub Court, Trichy is withdrawn and transferred to V Additional Family Court, Chennai, to be tried along with O.P.No.4726 of 2018 pending before the same Court.

6. Since it is an admitted fact that the respondent / husband is employed at Jhansi, Uttar Pradesh, his personal appearance for the ineffective dates of hearing is dispensed with. However, it is made clear that the respondent / husband shall present himself for counselling as well as mediation before the V Additional Family Court, Chennai.

7. The Transfer Civil Miscellaneous Petition is ordered accordingly. No costs. Consequently, connected civil miscellaneous petition is closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

TK
To

1.The Subordinate Judge,
Tiruchirapalli.

2.The V Additional Judge,
Family Court
Chennai.

+1cc to Mr.K.Santhakumari, Advocate Sr.28518
+1cc to Mr.T.Seenivasan, Advocate Sr.28470

TR.CMP.NO.122 OF 2019

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srg 24/05/2019