

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:08.04.2019

CORAM:

THE HONOURABLE MR.JUSTICE M.GOVINDARAJ

Tr.CMP.No.118 of 2019

and

C.M.P.No.4094 of 2019

J.Poongodhai ... Petitioner/Respondent

Vs.

S.Vimalan ... Respondent/Petitioner

PRAYER: Transfer Civil Miscellaneous petitions filed under section 24 of the Civil Procedure Code, praying to withdraw the H.M.O.P.No.142 of 2018 on the file of Subordinate Judge, Harur and transfer the same to the Principal Family Court, Krishnagiri.

For petitioner : Mr.S.Gopinath

For Respondent :Mr. V.Nicholas

O R D E R

This petition is filed by the petitioner seeking to withdraw the H.M.O.P.No.142 of 2018 from the file of Sub Court, Harur and transfer the same to the Family Court, Krishnagiri.

2. The petitioner is the wife. The respondent / husband filed a petition for divorce before the Sub Court, Harur. The respondent / husband resides at Dharmapuri District. Admittedly, the petitioner is a resident of Kundalapatti village in Krishnagiri taluk. She finds it difficult to travel from Kundalapatti village to Harur to attend the case. The respondent / husband can travel from Dharmapuri to Krishnagiri. The petitioner / wife also filed a petition in O.P.No.219 of 2019 for restitution of conjugal rights before Family Court, Krishnagiri.

3. In order to avoid multiplicity of proceedings and considering the convenience of the parties and also the financial hardship caused to the petitioner / wife, this Court

is inclined to transfer the divorce petition filed by the husband to Family Court, Krishnagiri, to be tried along with petition filed by the petitioner / wife for restitution of conjugal rights.

4. Accordingly, H.M.O.P.No.142 of 2018 pending on the file of Sub Court, Harur, is withdrawn and transferred to Principal Family Court, Krishnagiri to be tried along with O.P.No.219 of 2019, pending before the same Court. On such transfer, the learned Principal Judge, Family Court, Krishnagiri is directed to renumber the petition and issue notice to the parties and dispose both the petitions as expeditiously as possible.

5. The Transfer Civil Miscellaneous Petition is ordered. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

bkn

To

- 1.The Subordinate Judge, Harur.
- 2.The Principal Family Court, Krishnagiri.

+1 cc to M/s.K.Thiruvengadam, Advocate, Sr.No. 34153
+1 cc to M/s.V.Nicholas, Advocate, Sr.No. 34633

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RSI (CO)
CSL/27.05.2019

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