

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.04.2019

C O R A M

THE HONOURABLE MR.JUSTICE M. GOVINDARAJ

TR.CMP.NO.164 OF 2019
AND CMP NO.5159 OF 2019

A.Nivedha ... Petitioner

Vs.

V.Anbarasu ... Respondent

PRAYER: Petition filed under Section 24 of the Civil Procedure Code to withdraw and transfer the H.M.O.P.No.30 of 2018 on the file of the Sub Court, Chengalpattu, to be tried along with the H.M.O.P.No.163 of 2018 on the file of the Sub Court, Poonamallee.

For Petitioner : Mr.R.Ramkumar
For Respondent : Mr.N.Berlin Prabhu

O R D E R

This Transfer Civil Miscellaneous Petition is filed by the petitioner seeking to withdraw HMOP No.30 of 2018 from the file of Sub Court, Chengalpattu and transfer the same to Sub Court, Poonamallee, to be tried along with H.M.O.P.No.163 of 2018.

2. The petitioner is the wife. The respondent / husband filed HMOP No.30 of 2018 seeking divorce before the Sub Court, Chengalpattu. The petitioner / wife filed HMOP No.163 of 2018 before the Sub Court, Poonamallee, for restitution of conjugal rights. The petitioner is a resident of Chennai and even in the petition filed by the respondent/husband for divorce, the address of the petitioner is shown as Chennai. Pleading physical hardship for travelling from Chennai to Chengalpattu, for every hearing, the petitioner seeks transfer of the petition filed by her husband before the Sub Court, Chengalpattu, to Sub Court, Poonamallee, to be tried along with HMOP No.163 of 2018 pending on the same Court.

3. Learned counsel for the respondent has no serious objection for transferring the case from Chengalpattu to Poonamallee.

4. Considering the physical hardship caused to the petitioner/wife in travelling from Chennai to Chengalpattu, to attend the hearings before the Sub Court, Chengalpattu, this Court is inclined to transfer the petition filed by the respondent / husband to Sub Court, Poonamallee.

5. Accordingly, HMOP No.30 of 2018 pending on the file of Sub Court, Chengalpattu is withdrawn and transferred to Sub Court, Poonamallee. The learned Sub Judge, Poonamallee, is directed to renumber the petition; issue notice to both the parties and continue the proceedings from the stage where it stands and dispose of the same along with HMOP No.163 of 2018, as expeditiously as possible.

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

Sd/-
Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

BKN

To

1.The Subordinate Judge
Chengalpattu.

2.The Subordinate Judge
Poonamallee.

+2cc to Mr.R.Ramkumar, Advocate sr.36376

TR.CMP.NO.164 OF 2019

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nr 25/07/2019