

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :11.06.2019

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

Tr. C.M.P. No.293 of 2019
and C.M.P. No.8551 of 2019

C.P.Saranya

... Petitioner

-vs-

K.Sivakumar

... Respondent

Prayer: Petition filed under Section 24 of C.P.C to withdraw H.M.O.P.No.612 of 2018 on the file of Subordinate Judge, Tambaram and transfer the same to the file of Subordinate Judge, Sangagiri, Salem District, for joint disposal along with H.M.O.P.No.11 of 2019, on the file of Subordinate Court, Sangagiri, Salem District.

For Petitioner : Mr. M.Santhanaraman

For Respondent : No appearance

O R D E R

C.P.Saranya, the Petitioner and the wife of K.Sivakumar, the respondent herein has come to the court, seeking transfer of H.M.O.P.No.612 of 2018 on the file of Subordinate Court, Tambaram to the file of Subordinate Court, Sangagiri, Salem District, for joint disposal along with H.M.O.P.No.11 of 2019, pending on the file of Subordinate Court, Sangagiri, Salem District.

2. The Petitioner filed H.M.O.P.No.11 of 2019 for restitution of conjugal rights under Section 9 of Hindu Marriage Act. Learned counsel for the petitioner would submit that the Petitioner being a lady finds it difficult to travel from Edapadi to Chennai, which is about 425 kilometers from one side, to appear for hearing in H.M.O.P.No.612 of 2018 on the file of Subordinate Court, Tambaram. Learned counsel appearing for the petitioner would further submit that as the petitioner has been living with her parents in Salem, she finds it difficult to travel alone to Tambaram, to attend the case and therefore, if the pending H.M.O.P.No.612 of 2018 on the file of Sub Court, Tambaram, Kancheepuram District, is transferred to the

Subordinate Court, Sangagiri, Salem District, no prejudice will be caused to the respondent and further the joint trial of both H.M.O.P.612/2018 and HMOP.11/2019 on the file of Subordinate Court, Sangagiri, Salem District will enable one of the parties, viz., the respondent to come to Salem, for conducting trial and in that event, both petitioner and the respondent would be the beneficiaries.

3. As per the records maintained by the registry, this court having issued notice and the same was served on the respondent on 16.04.2019, but the respondent has not chosen to engage any counsel or appear before this court, indicates that he has no objection to allow the Tr.C.M.P.

4. Secondly, taking note of yet another fact viz., the distance between Salem and Tambaram which is 425 kilometers, this court has no impediment to withdraw the H.M.O.P.No.612 of 2018 pending on the file of Subordinate Court, Tambaram and transfer the same for joint trial along with H.M.O.P.No.11 of 2019 on the file Subordinate Court, Sangagiri, Salem.

5. Accordingly, the Tr. C.M.P. is allowed and the H.M.O.P.No.612 of 2018 pending on the file of the Subordinate Court, Tambaram, is withdrawn and transferred to the file of the Subordinate Court, Sangagiri, Salem, for joint trial along with H.M.O.P.No.11/2019.

6. The Subordinate Court, Sangagiri, Salem, is directed to take up both the cases and dispose of the same expeditiously in the manner known to law. No costs. Consequently, C.M.P. No.8551 of 2019 is closed.

Sd/-

Assistant Registrar(CS-III)

//True copy//

सत्यमेव जयते

Sub Assistant Registrar

nvsri

To

- 1.The Subordinate Judge, Sub Court, Tambaram.
- 2.The Subordinate Judge, Sub Court, Sangagiri, Salem.
- +lcc to Mr.M.Santhanaraman, Advocate SR.No.47675

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and C.M.P. No.8551 of 2019

GP (CO)
GMY (22/07/2019)