

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10/12/2019

C O R A M:

THE HONOURABLE MR.JUSTICE S.VAIDYANATHAN

Tr.C.M.P. No.709 of 2019
and C.M.P. No.20054 of 2019

Mrs.S.Divya Lakshmi ... Petitioner

Vs.

S.Balamurugan ... Respondent

Prayer: Transfer Civil Miscellaneous Petition filed under Section 24 of the Civil Procedure Code, to withdraw H.M.O.P. No.66 of 2019 pending on the file of Sub Court, Viruthachalam and file the same along with H.M.O.P. No.580 of 2019 pending on the file of Sub Court, Poonamallee.

For Petitioner : Mr.M.Aloysius Raja Pragash

For Respondent : Mr.T.Meganathan

ORDER

There is a dispute between husband and wife and the petitioner herein has filed a petition for restitution of conjugal rights on the file of Sub Court, Poonamallee in H.M.O.P. No.580 of 2019. It is also stated that husband has also filed a petition for divorce, which is pending before Sub Court, Vriddhachalam in H.M.O.P. No.66 of 2019.

2. The fact that is not in dispute that the parties are represented by lawyers and that the respondent is employed at Bangalore. Petitioner herein, namely wife, is residing at Ambattur and that no prejudice is going to be caused to the respondent, if the matter is transferred from Vriddhachalam to Poonamallee and there is no need for the parties to appear in all the hearings either at Vriddhachalam or at Poonamallee unless and otherwise the matter is posted for trial/evidence. If both the matters are heard by one court, there will be a composite disposal.

3. Taking note of the fact that the husband is employed at Bangalore and that the wife is residing at Ambattur, this court has no hesitation to transfer H.M.O.P. No.66 of 2019 pending on the file of Sub Court, Vriddhachalam to Sub Court, Poonamallee, to be tried along with H.M.O.P. No.580 of 2019.

4. Sub Court, Poonamallee is instructed to take up both the matters and conclude the trial, as expeditiously as possible, without adjourning the the matter beyond thirty

working days at any point of time, in order to bring the issue to a logical end.

5. The transfer civil miscellaneous petition is ordered with the above direction. No costs. Consequently, the connected civil miscellaneous petition is closed.

Sd/-

Assistant Registrar (J)

//True Copy//

Sub Assistant Registrar

Asr

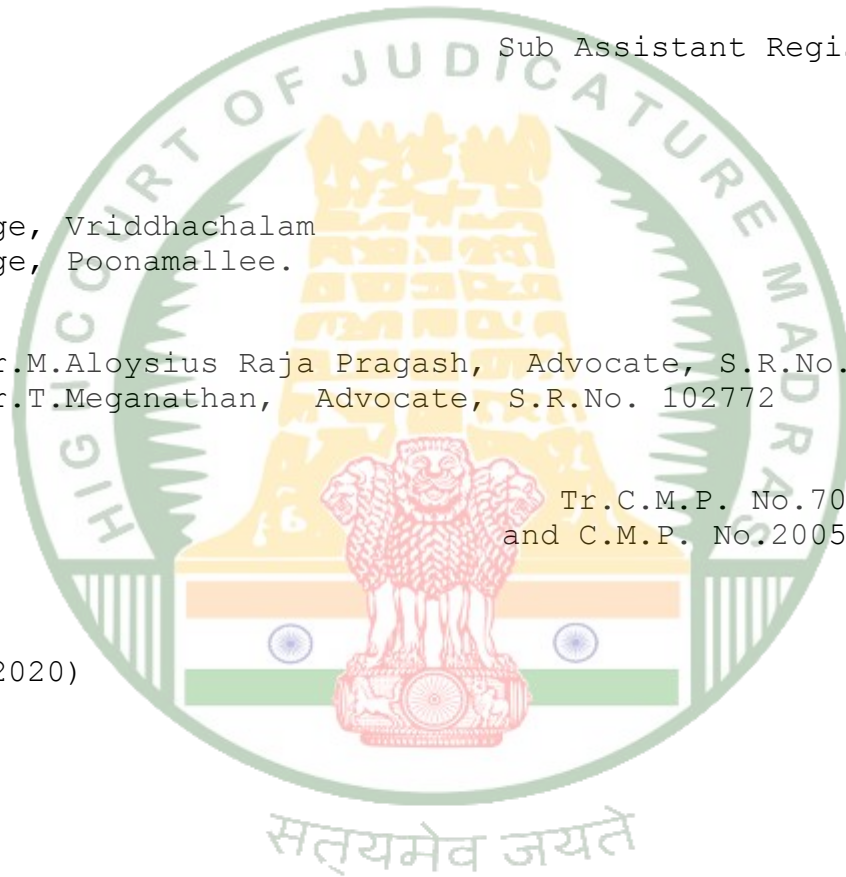
To

- 1.Sub Judge, Vriddhachalam
- 2.Sub Judge, Poonamallee.

+1cc to Mr.M.Aloysius Raja Pragash, Advocate, S.R.No. 103188
+1cc to Mr.T.Meganathan, Advocate, S.R.No. 102772

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GN(08/01/2020)



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