

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 30.01.2019

Coram

THE HON'BLE MR. JUSTICE R. PONGIAPPAN

Tr. C.M.P. No. 906 of 2018 and
CMP No.22283 of 2018

Vasanthi .. Petitioner

Vs

Partheeban .. Respondent

Prayer: Transfer Civil Miscellaneous Petition filed under Section 24 of Code of Civil Procedure to withdraw HMOP No.58 of 2017, from the file of Subordinate Court, Gingee and to transfer the same to Family Court, Chengalpat for joint trial along with HMOP No.93 of 2018.

For Petitioner : Mr.S.Manohar

For Respondent : Mr.V.Bhiman

O R D E R

The petitioner is the respondent in HMOP No.58 of 2017 pending on the file of Subordinate Court, Gingee. This application has been filed by the petitioner under Section 24 of Code of Civil Procedure, for the relief to withdraw the above said case from the file of Subordinate Court, Gingee and to transfer the same to Family Court, Chengalpat for joint trial along with 93 of 2018.

2. Today when the petition is taken up for hearing, both the Counsels appearing for the petitioner and the respondent are appeared before this Court and made a submission that the petition mentioned cases are pertaining to the dispute out of the matrimonial life of the petitioner and the respondent and if the cases are transferred to the file of Subordinate Court, Madhurantagam, it will be convenient for both the parties in attending the Court proceedings. Further, both the Counsels have made their endorsements in the petition to that effect.

3. Now, on going through the affidavit filed by the petitioner, it reveals that the marriage between the petitioner and the respondent was solemnized on 21.04.2016 at Veerasamy Nainar Kalyana Mandapam, Gingee, Villupuram District as per Hindu Rites and Customs. After some time from the date of marriage, the petitioner left the matrimonial home and joined with her parents. After leaving the matrimonial home by the petitioner, the respondent filed an application before the Subordinate Court, Gingee in HMOP No.58 of 2017 for the relief of annulling the marriage, which had happened between the petitioner and the respondent. After entering into the said case, the petitioner filed an application before Family Court, Chennai in HMOP No.93 of 2018 for the relief of Restitution of conjugal rights. At this juncture, the petitioner has come forward with this transfer application before this Court, for the relief stated in the 1st paragraph of this Order.

4. Now, considering the submissions made by either side counsels, it is apparent that the petition mentioned cases are pertaining to the dispute out of the matrimonial life of the petitioner and the respondent, if the said cases are tried in two different Courts, there will be a chance of conflicting of Judgments. Hence, taking into consideration of the submissions and endorsement of either side counsels and in the interest of justice, I am of the considered opinion that Subordinate Court, Madhurantagam is the appropriate place to try both the cases.

5. In the light of the above discussions, the case in HMOP No.58 of 2017 pending on the file of Subordinate Court, Gingee and the case in HMOP No.93 of 2018 pending on the file of Family Court, Chengalpat are ordered to be withdrawn from the respective Courts and to transfer the same to the file of Subordinate Court, Madhurantagam. The learned Judges of Subordinate Court, Gingee and Family Court, Chengalpat are directed to transmit the respective case records to Subordinate Court, Madhurantagam, within a period of two weeks from the date of receipt of a copy of this order. On receipt of such records, the learned Judge, Subordinate Court, Madhurantagam is directed to dispose of both the cases by joint trial or simultaneous trial. It is left open to the learned Judge, Subordinate Court, Madhurantagam to decide for joint trial or for simultaneous trial. Accordingly, the Transfer Civil Miscellaneous Petition is disposed of. No costs. Subsequently, connected miscellaneous petition is closed.

Sd/-
Deputy Registrar

//True Copy//

Sub Assistant Registrar

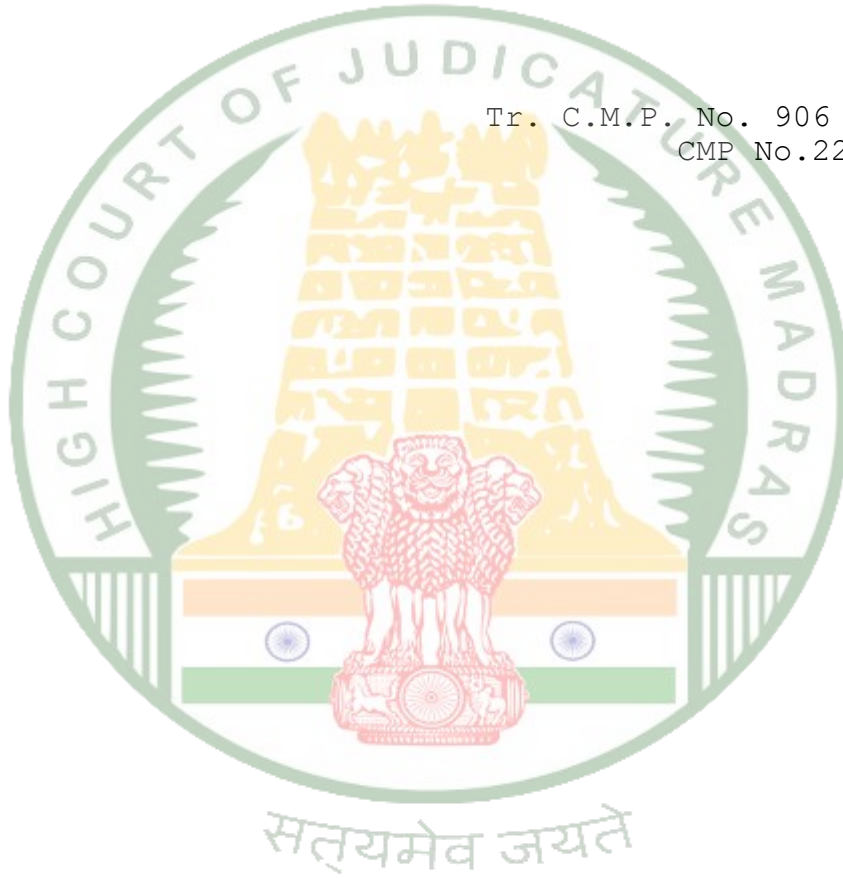
To

1. The Family Court, Chengalpat.
2. The Subordinate Court, Gingee.
3. The Subordinate Court, Madhurantagam.

+1 cc to Mr.S.Manohar, Advocate SR.No.7799

+1 cc to Mr.V.Bhiman, Advocate SR.No.7838

Tr. C.M.P. No. 906 of 2018 and
CMP No.22283 of 2018



WEB COPY