

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.02.2019

C O R A M

THE HONOURABLE MR.JUSTICE M.GOVINDARAJ

TR C.M.P. No.896 of 2018
and
C.M.P.No.22136 of 2018

B.Lakshmi Thivya

... Petitioner

Vs.

M.Rathinam

... Respondent

PRAYER: Transfer Civil Miscellaneous Petition filed under section 24 of C.P.C., to transfer H.M.O.P.No.378 of 2018 on the file of Subordinate Court, Poonamallee to the Principal Subordinate Court, Tiruchirappalli to try along with the H.M.O.P.No.276 of 2018.

For Petitioner : Mr.C.Jagadish

For Respondent : Mr.Venkata Krishna Kumar

O R D E R

This Transfer Civil Miscellaneous Petition is filed to transfer H.M.O.P.No.378 of 2018 on the file of Subordinate Court, Poonamallee to the file of Principal Subordinate Court, Tiruchirappalli and to be tried along with the H.M.O.P.No.276 of 2018.

2. Respondent and Petitioner are husband and wife. Respondent/husband filed H.M.O.P.No.378 of 2018 on the file of Subordinate Court, Poonamallee, seeking divorce. The petitioner/wife filed H.M.O.P.No.276 of 2018 for restitution of conjugal rights before the Principal Subordinate Judge, Tiruchirappalli.

3. The petitioner states that she has a son aged about 4 years and she is living at her father's house, Trichy. She also submitted that she has to travel to Subordinate Court, Poonamallee leaving her minor child which cause physical and mental hardship to her. Hence, she seeks to transfer the divorce petition filed by the respondent/husband and to be tried along

with the petition filed by her for restitution of conjugal rights, before the Principal Subordinate Judge, Tiruchirapalli.

4. Controverting the statements, the learned counsel for the respondent/husband would submit that he faces threat to his life by the petitioner/wife and her family. Therefore, prays for a neutral venue. Considering the convenience of both the parties, this Court is inclined to transfer both the cases to a neutral venue namely Sub-Court, Lalgudi.

5. Accordingly, H.M.O.P.No.378 of 2017 pending on the file of Sub-Court, Poonamallee and H.M.O.P.No.276 of 2018 pending on the file of Principal Subordinate Judge, Tiruchirapalli are withdrawn from the file of the respective Courts and transferred to the file of Sub-Court, Lalgudi and to be tried together.

6. Hence, the Sub-Court, Poonamallee and Principal Subordinate Judge, Tiruchirapalli, are directed to transfer H.M.O.P.No.378 of 2017 and H.M.O.P.No.276 of 2018 pending in the respective Courts to the file of Sub-Court, Lalgudi. On receipt of records, the Sub-Court, Lalgudi is directed to renumber both the petitions and issue notice to the parties.

7. These Transfer Miscellaneous Petitions are ordered accordingly. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (CS-VIII)

//True Copy//

Sub Assistant Registrar

bri

To

- 1.The Sub-Court,Poonamallee.
- 2.The Principal Subordinate Court,
Tiruchirapalli.
- 3.The Sub-Court,Lalkudi.

+1cc to Mr.C.Jagadish, Advocate, S.R.No. 12494

+2cc to Mr.S.Venkada Krishna Kumar, Advocate, S.R.No.12085

TR C.M.P. No.896 of 2018
and

C.M.P.No.22136 of 2018

KAN(CO)
GN(25/03/2019)