



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 29.07.2019

CORAM:

THE HONOURABLE MR.JUSTICE S.S. SUNDAR

Tr.C.M.P. (MD).No.176 of 2019 and
C.M.P. (MD).No.4045 of 2019

P.Menaka

.. Petitioner/Respondent

Vs.

D.Vallarasan

.. Respondent/Petitioner

Prayer: Transfer Civil Miscellaneous Petition filed under Section 24 of Civil Procedure Code, to withdraw the proceedings in H.M.O.P.No.139 of 2019 on the file of the Subordinate Judge, Poonamallee and transfer the same to the Sub Court, Trichy to try along with H.M.O.P.No.11 of 2019 on the file of the Sub court, Trichy.

For Petitioner : Mr.AN.Ramanathan

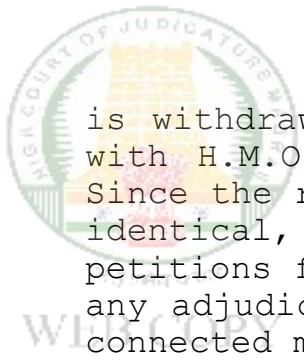
For Respondent : Mr.M.Pitchai Muthu

ORDER

This petition for transfer of proceedings in H.M.O.P.No.139 of 2019 pending on the file of Sub Court, Poonamallee, to the Sub Court, Trichy to try along with the H.M.O.P.No.11 of 2019 pending on the file of Sub Court, Trichy.

2.The marriage between the petitioner and the respondent took place on 10.12.2014. The petitioner filed H.M.O.P.No.11 of 2019 on the file of Sub Court, Trichy, for divorce. The respondent after receiving the summons in the petition filed by the wife, filed H.M.O.P.No.139 of 2019 for divorce. Though the petitioner and the respondent have filed petitions seeking same prayer, the petitions are pending before two different Courts. Though the petition for transfer is prayed by the wife on the only ground of convenience, it will be appropriate that in the petition filed by the husband, the convenience of the wife should given preference.

3.Having regard to the facts and circumstances, the counsel appearing for the respondent has no serious objection. Hence, this transfer civil miscellaneous petition is allowed and the proceedings in H.M.O.P.No.139 of 2019 on the file of the Sub Court, Poonamallee



is withdrawn and transferred to Sub Court, Trichy to be tried along with H.M.O.P.No.11 of 2019 on the file of the Sub Court, Trichy. Since the relief sought for by the petitioner and the respondent are identical, the parties may also file a joint memo to allow both petitions for divorce, so that the matter can be disposed of without any adjudication embarrassing both sides. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar

// True Copy //

Sub Assistant Registrar(CS)

To

- 1.The Subordinate Judge, Poonamallee.
- 2.The Subordinate Judge, Trichy.

+1 CC to Mr.AN.RAMANATHAN, Advocate SR-78379.

Tr.C.M.P. (MD) .No.176 of 2019
29.07.2019

CS (27.08.2019) 2P 4C