



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 16.07.2019

CORAM

THE HONOURABLE MR.JUSTICE S.S.SUNDAR

TR.C.M.P. (MD) No.265 of 2019
and
C.M.P. (MD) No.6229 of 2019

Rajmohan :Petitioner

Vs.

Vinothini :Respondent

PRAYER: Transfer Civil Miscellaneous Petition filed under Section 24 of the Code of Civil Procedure, to withdraw and transfer the case in H.M.O.P.No.61 of 2019 from the file of the Subordinate Court, Uthamapalayam, Theni District and try the same along with H.M.O.P.No.177 of 2019 on the file of the Family Court, Dindigul.

For Petitioner :Mr.J.Lawrance

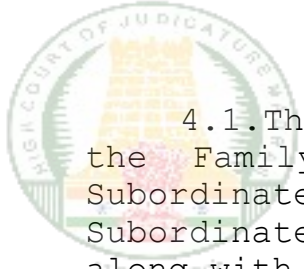
ORDER

This Transfer Petition is filed by the Husband, who is the petitioner in H.M.O.P.No.177 of 2019 on the file of the Family Court, Dindigul, which was filed for divorce. The respondent/wife also filed a petition in H.M.O.P.No.61 of 2019 before the Subordinate Court, Uthamapalayam for restitution of conjugal rights.

2.Citing convenience of the husband, as the only reason, this Transfer Petition is filed by the husband to transfer the proceedings in H.M.O.P.No.61 of 2019 from the file of the Subordinate Court, Uthamapalayam to Family Court, Dindigul, to try along with H.M.O.P.No.177 of 2019, as the parties and cause of action in the two petitions are one and the same.

3.However, the learned Counsel for the petitioner when confronted with the legal position that the husband's convenience is not relevant, submitted that the proceedings filed by the husband in H.M.O.P.No.177 of 2019 on the file of the Family Court, Dindigul, can be transferred to Subordinate Court, Uthamapalayam, so that both proceedings can be tried together.

4.Considering the request of the learned Counsel for the petitioner, this Court is inclined to pass the following orders:



4.1. The proceedings in H.M.O.P.No.177 of 2019 on the file of the Family Court, Dindigul, is withdrawn and transferred to Subordinate Court, Uthamapalayam, Theni District, and the learned Subordinate Judge, Uthamapalayam is directed to try the said case along with H.M.O.P.No.61 of 2019, pending on its file.

5. Accordingly, the Civil Revision Petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(AS)

/TRUE COPY/

Sub Assistant Registrar

To

1. The Subordinate Judge,
Uthamapalayam, Theni District.

2. The Judge, Family Court,
Dindigul.

+1 CC to M/s.J.LAWRANCE, Advocate (SR-75604[F] dated 17/07/2019)

TR.C.M.P. (MD) No.265 of 2019
16.07.2019

CMR
JM/30.07.2019/2P-4C