



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATE: 16.09.2019

CORAM

THE HONOURABLE MS.JUSTICE P.T.ASHA

Tr.C.M.P. (MD) .Nos.57 of 2018 and 535 of 2017
and

C.M.P. (MD) .Nos.1386 and 11455 of 2017

Tr.C.M.P. (MD) .No.57 of 2018

V.Yuvaraj ... Petitioner/Respondent-Husband

-Vs-

Lakshmi ... Respondent/Petitioner-wife

PRAYER: Transfer Civil Miscellaneous Petition is filed under Section 24 r/w. 151 of C.P.C., to withdraw the case on the file of the Sub Court, Palani in H.M.O.P.No.102 of 2017 and transfer the same to the Principal Sub Court, Palani to try along with the case in H.M.O.P.No.267 of 2016.

For Petitioner : Mr.S.Deenadhayalan
For Respondent : Mr.R.Jagadeeswaran

Tr.C.M.P. (MD) .No.535 of 2017

Lakshmi ... Petitioner/Respondent

-Vs-

Yuvaraj ... Respondent/Petitioner

PRAYER: Transfer Civil Miscellaneous Petition is filed under Section 24 of C.P.C., r/w. Rule 1(2) of C.P.C., to withdraw the petition in H.M.O.P.No.267 of 2016 pending before the learned Principal Sub Court, Karur and transfer the same to the learned Sub Court, Palani, Dindigul District.

For Petitioner : Mr.R.Jagadeeswaran
For Respondent : Mr.S.Deenadhayalan

C O M M O N O R D E R

Tr.C.M.P. (MD) .No.57 of 2018 has been filed by the husband seeking for transfer of H.M.O.P.No.102 of 2017 pending on the file of the Sub Court at Palani to be transferred to the file of the Principal Sub Court, Palani.



2. Tr.C.M.P.(MD).No.535 of 2017 has been filed by the wife seeking to transfer H.M.O.P.No.267 of 2016 pending on the file of Principal Sub Court, Karur to the Sub Court at Palani.

3. Since the parties involved are the same as well as the issue is the same, a common order is being pronounced.

4. The facts in brief, which are necessary for disposing of the Transfer Civil Miscellaneous Petition are as follows:

The petitioner and the respondent married on 08.09.2011 and from and out of the wedlock, they were blessed with a girl child on 04.06.2012. Disputes arose between the parties and as a result of which, the wife had come to her parents house, since she was subjected to abuse at the hands of the husband. After she leaving the matrimonial home, the husband has filed an application for divorce in H.M.O.P.No.267 of 2016 on the file of the Principal Sub Court, Karur. Thereafter, the wife has filed H.M.O.P.No.102 of 2017 on the file of Sub Court, Palani against the husband for restitution of conjugal rights. After the two original petitions had been filed, the husband and wife respectively taken out transfer original petitions seeking to transfer each of the petitions before the Sub Court at Palani and Principal Sub Court, Palani respectively.

5. Heard the learned counsels on either side.

6. Admittedly, the husband, first of all, has not given any maintenance to the wife and the child. The wife is totally depending on her parents for her wherewithal and that apart, she is also residing at Palani. In such circumstances, interest of justice would be subserved, if H.M.O.P.No.267 of 2016 pending on the file of the Principal Subordinate Court at Karur is transferred to the Subordinate Court at Palani, Dindigul District to be tried along with H.M.O.P.No.102 of 2017. Consequently, the Tr.C.M.P.(MD).No.535 of 2017 is allowed and the Tr.C.M.P.(MD).No.57 of 2018 is dismissed. The learned Subordinate Judge, Palani is directed to dispose of the H.M.O.P.Nos.267 of 2016 and 102 of 2017 within a period of six months from the date of receipt of a copy of this order and the learned Principal Subordinate Judge at Karur is also directed to send papers relating to H.M.O.P.No.267 of 2016 as expeditiously as possible to the learned Subordinate Judge at Palani. No costs. Consequently, the connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar

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To

1. The Subordinate Judge,
Palani.

2. The Principal Subordinate Judge,
Karur.

+1 CC to M/s.S.DEENADHAYALAN, Advocate (SR-87010[F] dated
17/09/2019)

+1 CC to M/s.R.JEGADEESWARAN, Advocate (SR-86954[F] dated
17/09/2019)

Tr.C.M.P. (MD) .Nos.57 of 2018 and 535 of 2017
16.09.2019

akv

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