



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 17.09.2019

CORAM

THE HONOURABLE MS.JUSTICE P.T.ASHA

Tr.C.M.P. (MD)No.363 of 2016

and

C.M.P(MD) No.7065 of 2016

Kiruthiga

... Petitioner

Vs.

Mannarmannan

... Respondent

PRAYER:- Petition filed under Section 24 of Civil Procedure Code, to withdraw the case in HMOP No.98 of 2015 on the file of the Principal Sub Judge, Mannargudi and transfer the same to the Sub Court, Pudukkottai to try along with the case in HMOP No.238 of 2015.

For Petitioner : Mr.D.Rameshkumar

ORDER

The Transfer Civil Miscellaneous Petition has been filed seeking to withdraw HMOP No.98 of 2015 filed by the respondent, from the file of the Principal Sub Court, Mannargudi, seeking divorce from the petitioner, to the file of the Sub Court, Pudukkottai, to be tried along with HMOP No.238 of 2015 pending on the file of the Sub Court, Pudukkottai, instituted by the wife seeking restitution of conjugal rights.

2.Though the notice has been served on the respondent, none appeared on behalf of the respondent. Therefore, this Court proceeded to hear the matter in his absence.

3.The petitioner would seek transfer on the ground that she is living with her parents and the respondent/husband has not been maintaining either her or her minor child, who is now aged about 4 ½ Years. She would contend that when the matter is posted for hearing, she would have to travel all the way to Mannargudi with her minor child and this would cause severe hardship on her. Further the respondent/husband would not be prejudiced, because H.M.O.P.No.238 of 2015 is pending before the Sub Court, Pudukkottai and it would suffice he may engage a counsel to appear on his behalf and his presence would be required, when the matter is posted for

evidence



4.Considering the above fact, this Transfer Civil Miscellaneous Petition is allowed and the H.M.O.P(MD) No.98 of 2015 is ordered to be withdrawn and transferred from the file of the Principal Sub Court, Mannargudi to the file of Sub Court, Pudukkottai. The learned Principal Subordinate Judge, Mannargudi, is directed to transmit the entire records in H.M.O.P No.98 of 2015 to the Sub Court, Pudukkottai. The learned Subordinate Judge, Pudukkottai, is directed to tag H.M.O.P(MD) No.98 of 2015 along with H.M.O.P(MD) No.238 of 2015 which is pending on his file, conduct joint trial and dispose of the same on merits and in accordance with law. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar

/TRUE COPY/

Sub Assistant Registrar

To

1.The Principal Subordinate Judge,
Mannargudi.

2.The Subordinate Judge,
Pudukkottai.

+1 CC to M/s.D.RAMESHKUMAR, Advocate (SR-87106[F] dated
17/09/2019)

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JM/09.10.2019/2P/4C