

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.02.2020

CORAM:

THE HONOURABLE MR.JUSTICE S.VAIDYANATHAN

Transfer C.M.P.No.1030 of 2019

Sugumari

...Petitioner

vs.

Thiravidamani

...Respondent

Tr.C.M.P. filed under Section 24 of C.P.C., to withdraw H.M.O.P.No.64 of 2019 from the file of the Principal Sub Court, Thiruvarur and transfer the same to the file of the Family Court at Karaikal, to be tried along with M.O.P.No.41 of 2019.

For Petitioner : Mr.R.Sunilkumar

For Respondent : Mr.D.Padmanabhan

O R D E R

The Petitioner/wife, who is residing in Karaikal, Puducherry, has come up with this Petition seeking transfer of H.M.O.P.No.64 of 2019 from the file of the Principal Sub Court, Thiruvarur to the file of the Family Court at Karaikal, to be tried along with H.M.O.P.No.41 of 2019, as she is dependent on her mother's pension and that, it is difficult for her to travel all the way from Karaikal to attend the hearings in Principal Sub Court, Thiruvarur.

2. Heard the learned counsel for the parties.

3. Learned counsel appearing for the Respondent expressed objection for transfer of the proceedings, as sought for by the Petitioner.

4. Admittedly, the Petitioner/wife has filed divorce proceedings in M.O.P.No.41 of 2019 and the Respondent/husband has filed a Petition in H.M.O.P.No.64 of 2019 seeking restitution of conjugal rights, and both cases have to be tried together. If one conflicts the other, parties will be put to great hardship.

5. As the appearance of parties is not mandatory before the Court below except for tendering evidence, and as they are represented by Lawyers, no prejudice would be caused to the Respondent, if the proceedings in H.M.O.P.No.64 of 2019 is transferred to the Family Court at Karaikal. Accordingly, the

proceedings in H.M.O.P.No.64 of 2019 is transferred from the file of the Principal Sub Court, Thiruvarur to the file of the Family Court at Karaikal, to be tried along with M.O.P.No.41 of 2019.

6. The Family Court at Karaikal, is expected to conduct joint trial in M.O.P.No.41 of 2019 and H.M.O.P.No.64 of 2019 and conclude the same, as expeditiously as possible, without adjourning the matter beyond 30 working days at any point of time, to bring the issue to a logical end.

7. The Transfer Civil Miscellaneous Petition is ordered accordingly. No costs. Consequently, connected C.M.P.No.27503 of 2019 is closed.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

(aeb)

To :

1. The Principal Sub Court, Thiruvarur.
2. The Family Court at Karaikal, Puducherry.

+lcc to Mr.R.Sunilkumar, Advocate sr.8338

Tr.C.M.P.No.1030 of 2019

cp(co)
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