



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated: 12.03.2020

CORAM

THE HONOURABLE Mrs. JUSTICE R.THARANI

TR C.M.P (MD) No.142 of 2020

and

C.M.P. (MD) No.2703 of 2020

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Velankanni (alias) Jenitha mary

.... Petitioner/Respondent

-Vs-

Salethnathan @ Raja

... Respondent/Petitioner

Prayer: Transfer Civil Miscellaneous Petition is filed under Section 24 of Civil Procedure Code, to withdraw I.D.O.P.No.159 of 2019 from the Principal District and Sessions Court, Madurai and to transfer the same to the Principal District and Sessions Court, Theni to be tried by clubbing the same with the petition in I.D.O.P.No.8 of 2018 filed by the petitioner herein seeking for restitution of conjugal rights.

For Petitioner

:

Mr.Ramasamy

O R D E R

This petition is filed seeking to withdraw I.D.O.P.No.159 of 2019 from the file of the Principal District and Sessions Court, Madurai and to transfer the same to the Principal District and Sessions Court, Theni to be tried by clubbing the same with the petition in I.D.O.P.No.8 of 2018 filed by the petitioner herein seeking for restitution of conjugal rights.

2. On the side of the petitioner, it is stated that the petitioner / wife is residing at Bodinayakanur and she filed a petition, seeking for restitution of conjugal right, in I.D.O.P.No.8 of 2018, on the file of the Principal District and Sessions Court, Theni, and after filing of the petition, the respondent / husband filed a petition, seeking for divorce, in I.D.O.P.No.159 of 2019 on the file of the Principal District and Sessions Court, Madurai and both the cases are to be tried by the same Court to avoid contrary judgments and hence, prayed I.D.O.P.No.159 of 2019 on the file of the Principal District and Sessions Court, Madurai, to be transferred to the Principal District and Sessions Court, Theni.

3. The reasons stated by the petitioner are satisfactory. No prejudice will be caused to the respondent. The I.D.O.P. filed by the petitioner / wife is earlier in time. Hence, I.D.O.P.No.159 of 2019 is withdrawn from the file of the Principal District and Sessions Court, Madurai and is transferred to the Principal District and Sessions Court, Theni.



District and Sessions Court, Theni.

4. The Principal District and Sessions Court, Madurai, is directed to transmit the entire records, in I.D.O.P.No.159 of 2019, to the Principal District and Sessions Court, Theni.

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5. The Principal District and Sessions Court, Theni, is hereby directed to issue fresh summon to the respondent after the case is transferred and renumbered and also to tag I.D.O.P.No.159 of 2019 along with I.D.O.P.No.8 of 2018, which is pending on his file and to conduct a joint trial.

6. With the above the directions, this Transfer Civil Miscellaneous Petition is allowed. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (w)

// True Copy //

/ /2020

Sub Assistant Registrar (CS)

Ls
To

1.The Principal District and Sessions Court,
Madurai

2.The Principal District and Sessions Court,
Theni.

3.The Section Officer,
VR Section
Madurai Bench of Madras High Court
Madurai-2 copies

+1 CC to Mr.R.RAMASAMY, Advocate (SR-11257[F] dated 12/03/2020)

TR C.M.P (MD) No.142 of 2020
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