



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 20.02.2020
CORAM

THE HON'BLE MR.JUSTICE R.SUBRAMANIAN

Tr.C.M.P(MD)Nos.67 and 320 of 2019
and
C.M.P(MD) Nos.1685 & 7499 of 2019

Tr.C.M.P(MD)No.67 of 2019

N.Jeyanthi ... Petitioner/Respondent
-Vs-
J.Neelakandan ... Respondent/Petitioner

Prayer: Transfer Civil Miscellaneous Petition filed under Section 24 of C.P.C., to withdraw and transfer the case in H.M.O.P.No.53 of 2017 before the Subordinate Judge, Vaniyambadi to the Subordinate Judge, Devakkottai.

For Petitioner : Mr.K.Baalasundharam
For Respondent : Mr.M.P.Senthil

Tr.C.M.P(MD)No.320 of 2019

J.Neelagandan ... Petitioner
-Vs-
N.Jeyanthi ... Respondent

Prayer: Transfer Civil Miscellaneous Petition filed under Section 24 of C.P.C., to withdraw the H.M.O.P.No.124 of 2018 pending on the file of Subordinate Judge, Devakottai and transfer the same to the file of Subordinate Judge, Vaniyampadi to try along with the H.M.O.P.No.53 of 2017 on the file of the Subordinate Judge, Vaniyampadi.

For Petitioner : Mr.M.P.Senthil
For Respondent : Mr.K.Baalasundharam

C O M M O N O R D E R

These two transfer petitions relate to the same proceedings. In Tr.C.M.P(MD)No.67 of 2019 the wife seeks transfer of H.M.O.P.No.53 of 2017 filed by the husband seeking divorce before the Sub Court, Vaniyampadi to the Sub Court, Devakottai. In Tr.C.M.P(MD)No.320 of 2019 the husband seeks transfer of H.M.O.P.No.124 of 2018 filed by the wife seeking restitution of



conjugal rights on the file of the Sub Court, Devakottai to Sub Court, Vaniyampadi to be tried along with H.M.O.P.No.53 of 2017.

2.While the wife would seek transfer on the ground of convenience and claimed that she is living with her age old parents at Karaikudi and undergoing travel to Vaniyampadi for every hearing before the Sub Court, Vaniyampadi is very difficult for her. The husband would seek transfer on the ground that he was humiliated and the wife is attempted to snatch the children living with him. Complaint and counter complaint were lodged by the parties both at Singapore and at Vellore.

3. Considering the nature of the allegations made and the fact that the husband is living with Singapore, H.M.O.P.No.53 of 2017 is withdrawn from the file of the Sub Court, Vaniyambadi and transferred to the file of the Principal Sub Court, Trichirappalli, and H.M.O.P.No.124 of 2018 is withdrawn from the file of the Sub Court, Devakottai and transferred to the file of the Principal Sub Court, Trichirappalli. The Principal Sub Court, Trichirappalli is directed to try both petitions in H.M.O.P.No.53 of 2017 and H.M.O.P.No.124 of 2018 jointly. The Sub Court, Vaniyambadi and the Sub Court, Devakottai are directed to transmit the records in H.M.O.P.No.53 of 2017 and H.M.O.P.No.124 of 2018 respectively to the file of Principal Sub Court, Trichirappalli, forthwith.

4. Considering the fact that the H.M.O.P.No.53 of 2017 filed by the husband is of the year 2017, the Principal Sub Court, Trichirappalli is directed to dispose of both petitions as expeditiously as possible, at any rate, within a period of one year from the date of receipt of a copy of the records from the Sub Courts, Vaniyampadi and Devakottai.

5. Accordingly, both the Transfer Civil Miscellaneous Petitions are allowed. However, there will be no order as to costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (CS-III)

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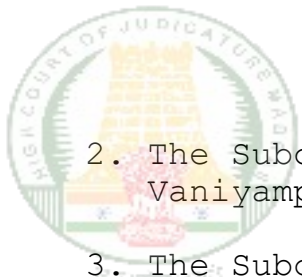
Sub Assistant Registrar(CS)

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To

1. The Principal Subordinate Judge,
Trichirappalli.

<https://hcservices.ecourts.gov.in/hcservices/>



2. The Subordinate Judge,
Vaniyampadi.

3. The Subordinate Judge,
Devakottai.

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+1 CC to Mr.K.BAALASUNDARAM, Advocate (SR-7417[F] dated
20/02/2020)

+1 CC to Mr.M.P.SENTHIL, Advocate (SR-7477[F] dated 21/02/2020)

Tr.C.M.P(MD)Nos.67 and 320 of 2019
20.02.2020

MK (03.03.2020) 3P 6C