



**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

**DATED : 01.10.2020**

**CORAM:**

**THE HONOURABLE MR.JUSTICE N.SESHASAYEE**

**Tr.C.M.P. (MD) No.215 of 2020**

Sathiah

... Petitioner

-vs-

Visalatchi

...Respondent

**PRAYER:** Transfer Civil Miscellaneous Petition is filed under Section 24 of the Code of Civil Procedure, to withdraw and transfer the divorce petition filed by the petitioner in H.M.O.P.No.86 of 2013, pending on the file of the Sub Court, Devakottai, to the Principal Sub Court, Pudukottai to be tried along with pending H.M.O.P.No.313 of 2018 filed by the respondent and complete the same within the time stipulated by this Court.

For Petitioner : Mr.P.M.Vishnuvarthanan

**O R D E R**

This transfer petition is filed by the petitioner, who is the husband of the respondent herein seeking transfer of H.M.O.P.No.86 of 2013 now pending on the file of the Sub Court, Devakottai, to the file of the Principal Sub Court, Pudukottai.

2. While the respondent/wife filed H.M.O.P.No.313 of 2018 before the Principal Sub Court, Pudukkottai for restitution of conjugal rights, the petitioner/husband has filed H.M.O.P.No.86 of 2013 before the Sub Court, Devakottai for dissolution of marriage.

3.The learned counsel for the petitioner submits that he wants to transfer his case to the Principal Sub Court, Pudukottai to facilitate joint enquiry of both the petitions. The learned counsel for the petitioner submits that while the petitioner has filed H.M.O.P.No.86 of 2013, some seven years ago, his wife has filed H.M.O.P.No.313 of 2018 some five years after H.M.O.P.No.86 of 2013. He seeks that some time may be fixed for early disposal of the case.

4.Since the petitioner wants only his case to be transferred, no prejudice will be caused to the respondent. Therefore, this Transfer Civil Miscellaneous Petition is allowed and accordingly, H.M.O.P.No.86 of 2013, pending on the file of the Sub Court, Devakottai is directed to be withdrawn from the said Court and transferred to the Principal Sub Court, Pudukottai to be tried along with H.M.O.P.No.313 of 2018.



5. Given the circumstances that these are Covid-19 days and there is difficulty in holding regular Courts, this Court only directs the learned Sub Judge to dispose of this matter as expeditiously as possible and preferably within a period of about six(6) months from the date of receipt of the papers in H.M.O.P.No.86 of 2013 from Sub Court, Devakottai, subject however to such regulations of the High Court regarding holding regular Courts in the process of managing the ongoing pandemic days. No costs.

Sd/-

Assistant Registrar (CS-II)

// True Copy //

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Sub Assistant Registrar(CS)

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To:

1.The Sub Judge, Devakottai

2.The Principal Sub Judge, Pudukottai

+1cc to Mr.P.M.Vishnuvarthanan, Advocate sr.18650

Order made in

**Tr.C.M.P. (MD) No.215 of 2020**

Dated:

**01.10.2020**

NR (15/10/2020) 2P : 4C