



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.08.2021

CORAM:

THE HONOURABLE MR.JUSTICE A.A.NAKKIRAN

Tr.C.M.P.No.157 of 2021
and C.M.P.No.4692 of 2021

P.Divya

...Petitioner

Vs.

R.Pazhaniraj

...Respondent

Prayer: This Petition filed under Section 24 of the Code of Civil Procedure seeking to withdraw the case in O.P.No.209 of 2019 pending on the file of the Family Court, Puducherry and transfer the same to the file of the Principal Subordinate Court, Tindivanam for joint trial along with H.M.O.P.No.25 of 2020, filed by the petitioner pending before the Principal Subordinate Court, Tindivanam.

For Petitioner : Mr.R.Balaguru Swamy
For Respondent : No appearance

O R D E R

(The case has been heard through video conference)

The present Transfer Civil Miscellaneous Petition is filed to withdraw the O.P.No.209 of 2019 on the file of the Family Court, Puducherry and transfer the same to the file of the Principal Sub Court, Tindivanam for having joint trial along with H.M.O.P.No.25 of 2020 pending on the file of the Principal Sub Court, Tindivanam.

2. The petitioner/wife has filed H.M.O.P.No.25 of 2020 before the Principal Sub Court, Tindivanam for restitution of conjugal rights. The respondent/husband has filed O.P.No.209 of 2019 before the Family Court, Puducherry for the relief of divorce.

3. The learned counsel for the petitioner/wife submitted that the petitioner is living with support of her mother and she is a daily wage earner earning a meager income. As the respondent is an influential person, she apprehends life threat. In such circumstances, without any financial aid, it is very difficult to travel from Tindivanam to Puducherry for attending every hearing in O.P.No.209 of 2019 on the file of the Family Court, Puducherry.



4. Today, when the matter is taken up for hearing, there is no representation on behalf of the respondent either in person or through counsel.

5. This Court considered the arguments made by the learned counsel for the petitioner.

6. This Court is satisfied with the reasons stated in the affidavit filed in support of this petition. Further, since two cases are pending from two different Courts i.e., the wife filed a petition for restitution of conjugal rights and the husband filed an application for divorce, to avoid multiplicity of proceedings and conflicting judgements, both the cases have to be tried before a single Judge.

7. Considering the facts and circumstances of the case and considering the submission made by the learned counsel for the petitioner, O.P.No.209 of 2019 is withdrawn from the file of the Family Court, Puducherry and transferred to the file of the Principal Sub Court, Tindivanam to be tried along with H.M.O.P.No.25 of 2020 for disposal as per law. The learned Judge, Family Court, Puducherry, is directed to transmit the papers to the Principal Sub Court, Tindivanam forthwith. The learned Principal Subordinate Judge, Tindivanam is directed to dispose O.P.No.209 of 2019 along with H.M.O.P.No.25 of 2020 on merits and in accordance with law as expeditiously as possible.

8. In fine, this petition is allowed. No costs. Consequently, connected miscellaneous petition is closes.

Sd/-
Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

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To

1. The Judge,
The Family Court, Puducherry.

2. The Principal Subordinate Judge, Tindivanam.

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NSK 03/09/2021