



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.12.2021

CORAM:

THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN

Tr.C.M.P.Nos.314 and 315 of 2021
and
C.M.P.Nos.7627 and 7632 of 2021

G.Balaji ... Petitioner in both the Tr.CMPs.

Vs.

K.Suganya ... Respondent in both the Tr.CMPs.

PRAYER in Tr.CMP.No.314 of 2021: Transfer Civil Miscellaneous Petition filed under Section 24 of Code of Civil Procedure, praying to withdraw FCOP.No.106 of 2021 on the file of the learned Family Court, Salem and to transfer the same to the learned Sub Court, Tiruchengode.

PRAYER in Tr.CMP.No.315 of 2021: Transfer Civil Miscellaneous Petition filed under Section 24 of Code of Civil Procedure, praying to withdraw FCOP.No.342 of 2020 on the file of the learned Family Court, Erode and to transfer the same to the learned Sub Court, Tiruchengode.

For Petitioner : Mr.N.Manokaran

For Respondent : Mr.C.K.M.Appaji in both Petitions

C O M M O N O R D E R

In Tr.CMP.No.314 of 2021, the husband seeks transfer of FCOP.No.106 of 2021 on the file of the Family Court, Salem to Sub-Court Tiruchengode. In Tr.CMP.No.315 of 2021, the husband seeks transfer of FCOP.No.342 of 2020 on the file of the Family Court, Erode to Sub-Court, Tiruchengode.

2. FCOP.No.342 of 2020 has been filed by the husband seeking divorce before the Family Court, Erode. FCOP.No.106 of 2021 has been filed by the wife before the Family Court, Salem seeking



restitution of conjugal rights. The husband seeks transfer of both the proceedings to Sub-Court, Tiruchengode. It is seen from the records that the wife is the resident of Salem and the husband is the resident of Erode.

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3. Mr.C.K.M.Appaji, learned counsel appearing for the respondent wife would contend that, she being a resident of Salem, transfer of the proceedings outside Salem will cause inconvenience to her.

4. Mr.N.Manokaran, learned counsel appearing for the petitioner husband would submit that there is a possibility of conflicting judicial verdicts, if the proceedings are conducted in two different Courts.

5. I see justification in the contention of the counsel for the husband also. Considering the convenience of the wife as well as that of the husband and possibility of there being conflicting judicial verdicts, I am of the opinion that both these proceedings can be transferred to Sub-Court, Salem, where the parties are not required to appear in person for every hearing. This will surely reduce the inconvenience that would cause to the respondent because of the transfer.

6. In fine, FCOP.No.342 of 2020 on the file of the learned Family Court, Erode and FCOP.No.106 of 2021 on the file of the learned Family Court, Salem are withdrawn and transferred to the Sub-Court, Salem to be disposed of in accordance with law. No costs. Consequently, the connected miscellaneous petitions are closed.

SD/-
ASSISTANT REGISTRAR

// TRUE COPY //

SUB ASSISTANT REGISTRAR

dsa
To

1. The Judge,
Family Court,
Salem.



2. The Judge,
Family Court,
Erode.

3. The Subordinate Judge,
Salem.

4. The Subordinate Judge,
Tiruchengode.

+2cc to M/s.N.Manokaran, Advocate Sr.64991 and 64992

Tr.C.M.P.Nos.314 and 315 of 2021

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srg 27/12/2021