



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.07.2021

CORAM:

THE HONOURABLE Mr. JUSTICE S.S.SUNDAR

Tr.C.M.P. No.291 of 2021
and C.M.P. No.7341 of 2021

N.Janani

.. Petitioner

Vs

T.Natraj

.. Respondent

PRAYER: Transfer Civil Miscellaneous Petition filed under Section 24 of Civil Procedure Code, pleaded to withdraw the HMOP No.127 of 2020 on the file of the Subordinate Court, Harur and transfer the same to the file of the II Additional Subordinate Court, Coimbatore to be tried jointly along with O.S. No.387 of 2021.

For Petitioner : Mr.L.Mouli

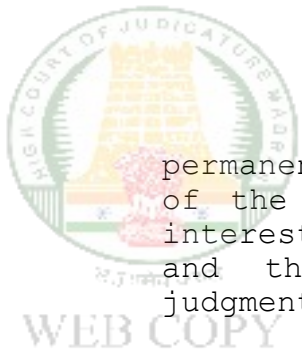
For Respondent : No Appearance

O R D E R

This transfer civil miscellaneous petition is filed to withdraw the HMOP No.127 of 2020 on the file of the Sub Court, Harur and transfer the same to the II Additional Sub Court, Coimbatore to be tried along with OS No.387 of 2021.

2.The petitioner is the wife. It is specific case of the petitioner that she was forcibly taken in a car on 30.10.2020 against her wish and without consent, the respondent husband forcefully tied Thali around her neck, while her mother was holding her hands in a Perumal Temple in Pattanur. Therefore, she filed a suit before the II Additional Subordinate Court, Coimbatore in O.S.No.387 of 2021, seeking to declare the marriage performed under coercion on 30.10.2020 as null and void. Earlier, the husband filed a petition for restitution of conjugal rights in HMOP No.127 of 2020 on the file of the Subordinate Court, Harur. It is stated that she is living with her parents in Coimbatore and that she will be denied a fair opportunity in the petition filed by the husband for restitution of conjugal rights, if it is tried and disposed of by the Sub Court, Harur.

3.It is also stated that the distance between Coimbatore and Harur is about 225 Kms, which is far away from her



permanent residence. Hence, the petitioner seeks for transfer of the case. It is also requested that it will be in the interest of parties, if both the matters filed by the husband and the wife are tried together to avoid conflicting judgments.

4. Having regard to the admitted facts that the petitioner and the respondent have filed two different petitions, and that it will be in the interest of parties to dispose of the petitions by a common order, this Court is of the view that transfer of petition filed by the husband may be appropriate. Since the husband has not come on record to deny the averments made in the affidavit filed in support of the petition, this petition is allowed and the proceedings in HMOP No.127 of 2020 on the file of the Subordinate Court, Harur, are hereby withdrawn and transferred to the II Additional Subordinate Court, Coimbatore, to be tried together along with O.S. No.387 of 2021. No Costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CO)

//True copy//

Sub Assistant Registrar

ssr

To

1.The Subordinate Court,
Harur.

2.The II Additional Subordinate Court,
Coimbatore.

+1cc to Mr.L.Mouli, Advocate SR.No.31494

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AK-II(CO)
GMY(02/08/2021)