



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.08.2021

CORAM:

THE HONOURABLE MR.JUSTICE A.A.NAKKIRAN

Tr.C.M.P.No.319 of 2021
and C.M.P.No.7681 of 2021

R.Priyadharshini

...Petitioner

Vs.

K.Balaji

...Respondent

Prayer: This Petition filed under Section 24 of the Code of Civil Procedure seeking to withdraw the case in H.M.O.P.No.50 of 2021 pending on the file of the Subordinate Court, Kallakurichi and transfer the same to the Subordinate Court, Arur for joint trial with H.M.O.P.No.24 of 2021.

For Petitioner : Ms.Elizabeth Ravi

For Respondent : Mr.S.Sarath Chandran

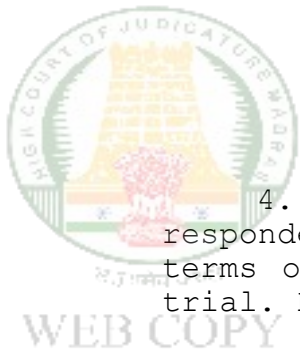
O R D E R

(The case has been heard through video conference)

The present Transfer Civil Miscellaneous Petition is filed to withdraw the H.M.O.P.No.50 of 2021 on the file of the Subordinate Court, Kallakurichi and transfer the same to the file of the Subordinate Court, Arur for having joint trial along with H.M.O.P.No.24 of 2021 pending on the file of the Subordinate Court, Arur.

2. The petitioner/wife has filed H.M.O.P.No.24 of 2021 before the Subordinate Court, Arur for restitution of conjugal rights. The respondent/husband has filed H.M.O.P.No.50 of 2021 before the Subordinate Court, Kallakurichi for the relief of divorce.

3. The learned counsel for the petitioner/wife submitted that the petitioner is living with the support of her aged mother and she finds it very difficult to travel from Sunkarahalli village to Kallakurichi for attending every hearing in H.M.O.P.No.50 of 2021 on the file of the Subordinate Court, Kallakurichi.



4. Mr.Sarath Chandran, learned counsel appearing for the respondent fairly conceded that this petition may be allowed in terms of the prayer as sought for in this petition for a joint trial. However, he sought exemption from personal appearance.

5. I have considered the above submissions.

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 on either side, H.M.O.P.No.50 of 2021 is withdrawn from the file of the Subordinate Court, Kallakurichi and transferred to the file of the Subordinate Court, Arur to be tried along with H.M.O.P.No.24 of 2021 for disposal as per law. The learned Subordinate Judge, Kallakurichi, is directed to transmit the papers to the Subordinate Court, Arur forthwith. The learned Subordinate Judge, Arur is directed to dispose H.M.O.P.No.50 of 2021 along with H.M.O.P.No.24 of 2021 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 closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

kk
To

1. The Subordinate Judge, Kallakurichi.
2. The Subordinate Judge, Arur.

+1cc to M/s.Elizabeth Ravi, Advocate, Sr.39199

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AD[co]
NSK 01/09/2021