



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.07.2021

CORAM:

THE HONOURABLE Mr. JUSTICE S.S.SUNDAR

Tr.C.M.P. No.298 of 2021  
and C.M.P. No.7431 of 2021

Mrs.Sudha

.. Petitioner

Vs

M.Gopi

.. Respondent

PRAYER : Transfer Civil Miscellaneous Petition filed under Section 24 of Civil Procedure Code, pleased to withdraw the HMOP No.47 of 2019 pending on the file of Sub Court, Kulithalai and transfer the same before the Sub-Court, Cheyyar and try along with HMOP No.11 of 2021 pending on the file of Sub-Court, Cheyyar.

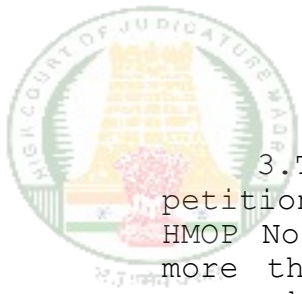
For Petitioner : Mr.S.Makesh

For Respondent : Mr.Ramesh Umapathy

O R D E R

This petition has been filed to withdraw the HMOP No.47 of 2019 pending on the file of Sub-Court, Kulithalai and transfer the same before the Sub-Court, Cheyyar to try along with HMOP No.11 of 2021 pending on the file of Sub-Court, Cheyyar.

2.The petitioner is the wife. The marriage between the petitioner and the respondent was solemnized on 18.10.2012 at Cheyyar. It is stated that it was love cum arranged marriage. The petitioner was blessed with two female children. Due to difference of opinion, it is stated that the petitioner and the respondent are living separately for a few years. It is the specific case of the petitioner that the petitioner has now shifted to a small house at Kulithalai and that the respondent is not extending any support for the welfare or studies of the minor children. The petitioner is now living with two daughters along with her parents which is not in dispute. The learned counsel for the petitioner submitted that the petitioner all of a sudden filed a petition for restitution of conjugal rights before the Sub-Court at Cheyyar.



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3.The learned counsel for the respondent states that the petitioner will not be seriously put to any prejudice as the HMOP No.47 of 2019 before Sub-Court, Kulithalai is pending for more than two years and hence it would be appropriate if the proceedings are commenced and concluded by the Sub-Court, Kulithalai.

4.Assuming that the petitioner has not filed any independent petition before the Sub-Court, Cheyyar, the convenience of the wife is more relevant and to be considered when a transfer of proceedings is sought for by the wife. Especially in this case, the petitioner is the wife and she has to defend the case.

5.Having regard to admitted facts and circumstances, this Court is of the view that the petitioner wife should be given a fair opportunity to contest and defend the case filed by the respondent for divorce.

6.As a result, this petition is allowed and the proceedings HMOP No.47 of 2019 pending on the file of Sub-Court, Kulithalai are hereby withdrawn and transferred to the Sub-Court, Cheyyar, to be tried together along with HMOP No.11 of 2021.No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

ssr

To

1. The Subordinate Judge,  
The Sub Court, Kulithalai.

2. The Subordinate Judge,  
The Sub-Court, Cheyyar.

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SRA(CO)  
CB(13/08/2021)