



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.08.2021

CORAM:

THE HONOURABLE MR.JUSTICE A.A.NAKKIRAN

Tr.C.M.P.No.393 of 2021

and

C.M.P.No.9101 of 2021

[Through video conferencing]

Anbarasan.M.

... Petitioner/Petitioner

-VS-

Surya.M

... Respondent / Respondent

PRAYER: Transfer Civil Miscellaneous Petition is filed under Section 24 of the Code of Civil Procedure, to withdraw the H.M.O.P.No.1280 of 2020 on the file of the Additional Family Court, Coimbatore and to transfer the same to the Principal Sub Court, Dindigul to try along with H.M.O.P.No.49 of 2020.

For Petitioner : Mr.Sundarapandian

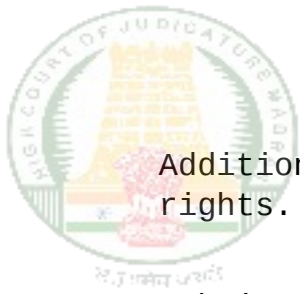
For Mr.G.Ganesh Kumar

For Respondent : No appearance

O R D E R

The present Transfer Civil Miscellaneous Petition is filed to withdraw the H.M.O.P.No.1280 of 2020 on the file of the Additional Family Court, Coimbatore and transfer the same to the file of the Principal Subordinate Court, Dindigul for having joint trial along with H.M.O.P.No.49 of 2020 pending on the file of the Principal Subordinate Court, Dindigul.

2. The petitioner/husband has filed H.M.O.P.No.49 of 2020 before the Principal Subordinate Court at Dindigul for divorce. The respondent/wife has filed H.M.O.P.No.1280 of 2020 before the



Additional Family Court at Coimbatore for restitution of conjugal rights.

3. The learned counsel for the petitioner/husband submitted that the petitioner is now working at Thiruvannamalai. The distance between Thiruvannamalai and Dindigul is around 300 Kms and the distance between Thiruvannamalai and Coimbatore is around 400 Kms and therefore it will be very difficult for him to attend every hearing in H.M.O.P.No.1280 of 2020 filed by the respondent/wife at Coimbatore. The learned counsel for the petitioner further submitted that the petitioner seeks transfer of the petition in H.M.O.P.No.1280 of 2020 from the file of the Additional Family Court, Coimbatore to the Principal Sub Court, Dindigul to be tried along with H.M.O.P.No.49 of 2020 for avoiding multiplicity of proceedings and conflicting judgments.

4. There is no representation for the respondent, hence this Court proceeds to pass orders on merit.

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

6. Considering the facts and circumstances of the case and the submissions made by the learned counsel for the petitioner and considering the convenience of the respondent, this Court is not inclined to allow this petition. Moreover, the reasons stated in the affidavit filed in support of this petition is not sufficient for allowing this petition and hence, this Transfer Civil Miscellaneous Petition is dismissed. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS-VI)

//True Copy//

Sub Assistant Registrar

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To:

1. The Judge, Additional Family Court, Coimbatore.
2. The Principal Sub Judge, Dindigul.

Tr.C.M.P.No.393 of 2021
and C.M.P.No.9101 of 2021

BS(CO)
SB(24/09/2021)