



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.12.2021

CORAM:

THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN

TR CMP No.531 of 2021
and
CMP No.14069 of 2021

J.Ramya

... Petitioner

Vs

Y.Govardhanan @ Harish

... Respondent

Prayer: Transfer Civil Miscellaneous Petition filed under Section 24 of the Code of Civil Procedure, 1908, pleaded to withdraw the case in H.M.O.P. No.1 of 2021 pending before the Subordinate Judge, Udumalpet and transfer the same to the Family Court, Trichy.

For Petitioner : Ms.Aruna Elango

For Respondent : Mr.S.Arjun

O R D E R

The wife seeks transfer of HMOP No.1 of 2021 filed by the husband seeking divorce on the file of the Sub Court, Udumalpet to Family Court, Trichy to be tried along with HMOP.No.324 of 2021 filed by the wife.

2.While HMOP.No.1 of 2021 is a petition for divorce, HMOP.No.324 of 2021 is the proceedings for restitution of conjugal rights. If these proceedings are allowed to be proceeded at different forums, there is a strong likelihood of there being conflicting judicial verdicts. Hence, the request for transfer is just and reasonable.

3.However, considering the fact that the husband is now residing in United States, and if he is forced to appear for every hearing before the Family Court, he will be put to considerable hardship, HMOP.No.324 of 2021 pending on the file of the Family Court, Trichy and HMOP.No.1 of 2021 pending on the file of the Sub Court, Udumalpet are withdrawn and transferred



to the Principal Sub Court, Trichy to be tried and disposed of together.

4.The Transfer Civil Miscellaneous Appeal is allowed as above. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

vs

To

1. The Subordinate Judge,
Udumalpet.
2. The Judge,
Family Court,
Trichy.
3. The Principal Sub Judge,
Trichy.

+1cc to Mr.S.Arjun, Advocate, S.R.No.64410

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SVI[co]
NSK 23/12/2021