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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.12.2021

CORAM:

THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN

Tr.C.M.P.No.655 of 2021

And

C.M.P.No. 16396 of 2021

Nivetha

... Petitioner/Respondent

Vs.

C.Sivakumar

... Respondent/Petitioner

PRAYER: Transfer Civil Miscellaneous Petition filed under Section 24 of Code of Civil Procedure, praying to withdraw the H.M.O.P.No. 1808 of 2021 from the file of the Subordinate Judge, Alandur and transfer the same to the file of the Sub Court, Cheyyar, for disposal along with H.M.O.P.No. 73 of 2021.

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For Petitioner : Mr.K.Varadha Kamaraj

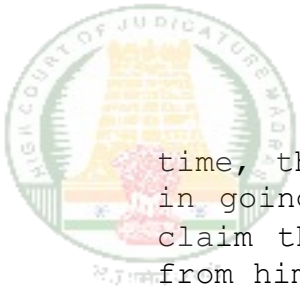
For Respondent : Mr. A. Ganesan

O R D E R

The wife seeks transfer of H.M.O.P.No. 1808 of 2021 filed by the husband, on the file of the Sub Court, Alandur, seeking restitution of conjugal rights to Sub Court, Cheyyar, to be tried along with H.M.O.P.No. 73 of 2021 filed by her seeking divorce.

2. It is seen from the records that both the proceedings have been filed with in a span of 20 days. Therefore, it cannot be said that the subsequent proceeding filed at Cheyyar is a counter blast to the proceeding filed at Alandur.

3. Mr. A.Ganesan, learned counsel appearing for the respondent/husband would submit on instructions that the husband is no longer interested in continuing the marital relationship and he is ready for divorce. He would also state that he is ready and willing to withdraw H.M.O.P.No. 1808 of 2021. At the same



time, the learned counsel would express very serious reservation in going to Cheyyar even to consent for a divorce. He would claim that a document title திருமணபந்த முறிவு பத்திரம் has been extracted from him by force.

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4. Considering the apprehension expressed and in order to pause way for amicable settlement of the dispute, which has been made easier by the husband by agreeing for divorce, I am of the opinion that the proceedings pending at Cheyyar could be transferred to a neutral Venue for the purposes of recording the compromise between the parties.

5. In view of the above, H.M.O.P.No. 73 of 2021 is withdrawn from the file of the Sub Court, Cheyyar and transferred to the file of the Principal Sub Court, Chengalpattu. The Principal Sub Court, Chengalpattu, is directed to dispose of the said Original Petition within a period of 8 months from the date of receipt of a copy of the order.

6. Parties are at liberty to seek a consent divorce before the learned Principal Sub Court, Chengalpattu in H.M.O.P.No. 73 of 2021 itself.

7. In view of the above and the consent of the husband to withdraw H.M.O.P.No. 1808 of 2021, the said Original Petition is withdrawn to this Court and is dismissed as withdrawn.

8. With the above direction, this Transfer Civil Miscellaneous Petition is allowed. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar(CS-VIII)

// True Copy //

Sub Assistant Registrar

vsg

To

1.The Principal Subordinate Court,  
Chengalpattu.

2.The Subordinate Court,  
Cheyyar.



3.The Subordinate Court,  
Alandur.

+2cc to Mr.K.Varadha Kamaraj, Advocate SR.No.65123

Tr.C.M.P.No.655 of 2021  
And  
C.M.P.No. 16396 of 2021

PMK (CO)  
CB (27/12/2021)