



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 17.03.2021

CORAM

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THE HON'BLE MR.JUSTICE R.SUBRAMANIAN

Tr.C.M.P (MD)No.76 of 2021

and

C.M.P (MD) No.1388 of 2021

Kavya Keerthana

... Petitioner/Respondent

-Vs-

Sathiyaprakash

... Respondent /Petitioner

Prayer: Transfer Civil Miscellaneous Petition filed under Section 24 of Civil Procedure Code, to withdraw H.M.O.P.No.52 of 2020, from the file of the Sub Court, Palani, Dindigul District to the Family Court, Thanjavur District, to be tried along with H.M.O.P.No.193 of 2020, filed by the petitioner.

For Petitioner : Ms.D.Grace Vinitha
For Respondent : Mr.A.Mohamed Hashim

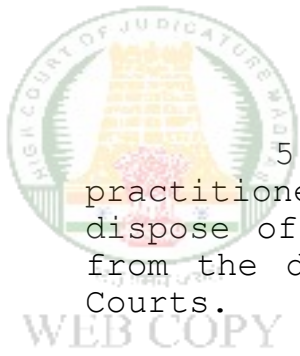
O R D E R

The petitioner/wife seeks transfer of H.M.O.P.No.52 of 2020 filed by the husband seeking divorce, to the Family Court, Thanjavur, to be tried along with H.M.O.P.No.193 of 2020, filed by her, seeking Restitution of Conjugal Rights.

2.Transfer is sought for on the ground of convenience and to avoid conflicting verdicts.

3.Considering the scope of the petition as well as the averments made in the affidavit filed in support of this application and the fact that the spouses are medical practitioners, I am of the opinion that the petitions should be heard together before the Sub court, where, the appearance of the parties is not mandatory. By transfer of the proceedings to the Sub Court, the inconvenience that would be caused to both the parties could be largely reduced.

4.In view of the same, H.M.O.P.No.52 of 2020 and H.M.O.P.No.193 of 2020 are withdrawn from the file of the Sub Court, Palani and the Family Court, Thanjavur, respectively and transferred to the Additional Sub Court, Thanjavur, to be tried in accordance with law. The Sub Court, Palani and the Family Court, Thanjavur are directed to transmit the papers to the Additional Sub Court, Thanjavur forthwith.



5.Considering the fact that the spouses are medical practitioners, the Additional Sub Court, Thanjavur is directed to dispose of the Original Petitions, within a period of eight months from the date of receipt of papers from the respective transferor Courts.

6. Accordingly, this Transfer Civil Miscellaneous Petition is disposed of. However, there will be no order as to costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CRL SIDE)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

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To

- 1.The Sub Court, Palani, Dindigul District
- 2.The Family Court, Thanjavur District,
- 3.The Additional Sub Court, Thanjavur
- 4.The Record Keeper, V.R.Section,
Madurai Bench of Madras High Court, Madurai(2 copies).

Copy to
The Registrar (Judicial),
Madurai Bench of Madras High Court,Madurai.

Order made in
Tr.C.M.P (MD) No.76 of 2021
and
C.M.P (MD) No.1388 of 2021
17.03.2021

es (CO)
TR(08.04.2021) 2P 7C