



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 05.03.2021

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THE HON'BLE MR.JUSTICE R.SUBRAMANIAN

Tr.C.M.P(MD)No.97 of 2020

and

C.M.P(MD) No.2009 of 2020

G.Raghavi ... Petitioner/Respondent/Wife

-Vs-

V.M.Rajasekar ... Respondent /Petitioner/Husband

Prayer: Transfer Civil Miscellaneous Petition filed under Section 24 of C.P.C., to withdraw the case on the file of the Sub Court, Aruppukottai and transfer the same to the Principal Family Court, Chennai.

For Petitioner : Mr.K.Sivabalan
For Respondent : Mr.M.Senthil Ayyanar

O R D E R

The petitioner/wife seeks transfer of H.M.O.P.No.163 of 2019, pending on the file of the Sub Court Aruppukottai, to the file of the the Principal Family Court, Chennai to be tried along with H.M.O.P.No.2956 of 2020, filed by the wife, seeking Restitution of Conjugal Rights. H.M.O.P.No.163 of 2019 has been filed by the husband seeking divorce.

2.Transfer is sought for solely on the ground of convenience of the wife. Though the convenience is also a ground for transfer in the case, if these two petitions are tried in different Courts, there is possibility of conflicting judgments. Hence, it is deemed necessary that both these petitions should be heard and disposed of by the same Court. Though, the wife is shown to be a resident of Chennai and the husband is a resident of Palayampatti, Aruppukottai Taluk, Virudhunagar District, if the proceedings are transferred to the Family Court, more inconvenience will be caused to the husband, since he has to appear for every hearing before the Family Court.

3.In view of the same, H.M.O.P.No.163 of 2019 and H.M.O.P.No.2956 of 2020 are withdrawn from the file of the Sub Court, Aruppukottai and the I Additional Family Court, Chennai



respectively and transferred to the file of the Sub Court, Alanthur to be tried together, in accordance with law. The Sub Court, Aruppukkottai and the I Additional Family Court, Chennai are directed to transmit the papers to the Sub Court, Alanthur forthwith.

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4. 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 (CS-II)

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Sub Assistant Registrar(CS)

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To

- 1.The Sub Judge, Aruppukkottai
- 2.The Judge, I Additional Family Court, Chennai
- 3.The Sub Court, Alanthur.
- 4.The Record Keeper, V.R.Section, (2 copies)
Madurai Bench of Madras High Court, Madurai.

Order made in
Tr.C.M.P(MD)No.97 of 2020
and
C.M.P(MD) No.2009 of 2020
05.03.2021

VB (30/04/2021) 2P / 6C