



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 09.08.2021

CORAM

THE HON'BLE MR.JUSTICE A.D.JAGADISH CHANDIRA

Tr.C.M.P(MD)No.277 of 2021

WEB COPY

P.K.Parthasarathy

... Petitioner/Respondent

-vs-

S.Prabha

... Respondent/Petitioner

Prayer: Transfer Civil Miscellaneous Petition filed under Section 24 of the Civil Procedure Code praying this Court to withdraw the H.M.O.P.No.22 of 2021, on the file of Principal Sub-Court, Pudukkottai and transfer the same to the Family Court, Trichy and try along with H.M.O.P.No.250 of 2021

For Petitioner : Mr.G.D.Manikandan

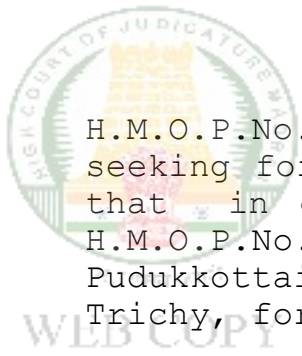
### O R D E R

This Transfer Civil Miscellaneous Petition has been filed seeking to withdraw the H.M.O.P.No.22 of 2021, on the file of Principal Sub-Court, Pudukkottai and transfer the same to the Family Court, Trichy and try along with H.M.O.P.No.250 of 2021

2.Heard the learned counsel appearing for the Petitioner and perused the materials placed before this Court.

3.The learned counsel for the Petitioner/husband would submit that the marriage between the Petitioner and the respondent was solemnized on 28.1.2007 according to Hindu rites and customs at Indian Ariya Vaisiya Samatcham Marriage Hall, Thirumala Thiruppathi Ring road, Andhra Pradesh. After the marriage, the Petitioner and the respondent started their matrimonial life at Chennai. Thereafter, the respondent gave birth to a male child by name, Atul Krishna on 20.09.2008 and a female child by name, Bala Nandhini on 17.09.2010. After the birth of the child, the Petitioner and respondent lived at Dindigul. Thereafter, due to some misunderstanding, the Petitioner had filed a petition for divorce in H.M.O.P.No.2509 of 2020, on the file of Family Court, Dindigul. In the meanwhile, the respondent left the matrimonial home and she is presently living at Pudukkottai.

4.He would further submit that the respondent/wife earlier had filed a petition in Tr.C.M.P.No.10 of 2021 seeking for transfer of H.M.O.P.No.250 of 2020 from the file of Family Court, Dindigul to the file of Principal Sub Court, Pudukkottai. This Court by order, dated 18.6.2021 was pleased to transfer the same to the file of Family Court, Trichy. In the meanwhile, the Petitioner has filed



H.M.O.P.No.22 of 2021 before the Principal Sub-Court, Pudukkottai seeking for restitution of conjugal rights. He would further submit that in order to avoid multiplicity of proceedings, prayed that H.M.O.P.No.22 of 2021 pending on the file of Principal Sub Court, Pudukkottai may also be transferred to the file of Family Court, Trichy, for joint trial along with H.M.O.P.No.250 of 2021.

5.The learned counsel for the respondent has no objection to allow the transfer application as sought for by the Petitioner.

6.In view of the above submission, this Transfer Civil Miscellaneous Petition is allowed and H.M.O.P.No.22 of 2021, pending on the file of Principal Sub-Court, Pudukkottai is withdrawn and transferred to the file of Family Court, Trichy, for joint trial along with H.M.O.P.No.250 of 2021, in accordance with law. The Principal Sub-Court, Pudukkottai is directed to transmit the entire case records to the file of Family Court, Trichy, forthwith. The Family Court, Trichy is directed to dispose of the above H.M.O.P.Nos.22 and 250 of 2021 on merits and in accordance with law, as expeditiously as possible. No costs.

Sd/-

Assistant Registrar (P&A)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

vsn

To

1.The Principal Sub-Judge,  
Principal Sub-Court,  
Pudukkottai.

2.The Judge,  
Family Court,  
Trichy.

+1 CC to M/s.T.LAJAPATHI ROY, Advocate ( SR-25729[F] dated 10/08/2021 )

+1 CC to M/s.G.D.MANIKANDAN, Advocate (SR-25737[F]dated 10/08/2021 )