



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 27.01.2021

CORAM

THE HON'BLE MR.JUSTICE R.SUBRAMANIAN

Tr.C.M.P(MD)Nos.291 & 318 of 2020

and

C.M.P(MD) Nos.6387 & 7082 of 2020

R.Meenakshi @ Meera

Petitioner/ Respondent in
Tr.C.M.P(MD)No.291 of 2020

R.Natarajan

Petitioner/ Respondent in
Tr.C.M.P(MD)No.318 of 2020

-Vs-

R.Natarajan

Respondent /Petitioner in
Tr.C.M.P(MD)No.291 of 2020

R.Meenakshi @ Meera

Respondent /Petitioner in
Tr.C.M.P(MD)No.318 of 2020

Prayer in Tr.C.M.P(MD)No.291 of 2020 : Transfer Civil Miscellaneous Petition filed under Section 24 of C.P.C., to withdraw H.M.O.P.No.41 of 2020, on the file of the Sub Court, Mudukulathur, Ramanathapuram District and to transfer the same to the file of the Sub Court, Theni to be tried along with H.M.O.P No.152 of 2020, pending on its file.

Prayer in Tr.C.M.P(MD)No.318 of 2020 : Transfer Civil Miscellaneous Petition filed under Section 24 of C.P.C., to withdraw H.M.O.P.No.152 of 2020, on the file of the learned Subordinate Judge, Theni, Theni District to be tried along with H.M.O.P.No.41 of 2020, on the file of the learned Subordinate Judge, Mudukulathur, Ramanathapuram District.

For Petitioner : Mr.G.D.Manikandan
For Respondent : Mr.A.Thiruvadikumar
(In Tr.C.M.P(MD)No.291 of 2020)

For Petitioner : Mr.A.Thiruvadikumar
For Respondent : Mr.G.D.Manikandan
(In Tr.C.M.P(MD)No.318 of 2020)

C O M M O N O R D E R

In Tr.C.M.P(MD)No.291 of 2020, the wife seeks transfer of H.M.O.P.No.41 of 2020, on the file of the Sub Court, Mudukulathur, to the file of the Subordinate Court, Theni to be tried along with H.M.O.P No.152 of 2020, pending on its file. H.M.O.P.No.41 of 2020 is filed by the husband, seeking divorce under Section 13(I) (i a)



of Hindu Marriage Act, 1955. H.M.O.P.No. 152 of 2020 has been filed by the wife seeking Restitution of Conjugal Rights.

2.The husband has come up with Tr.CMP(MD) No.318 of 2020, seeking transfer of H.M.O.P.No.152 of 2020 filed by the wife, seeking Restitution of Conjugal Rights to Subordinate Court, Mudukulathur, to be tried along with H.M.O.P.No. 41 of 2020.

3.It is very much necessary that both these petitions should be tried before the same Court, so as to avoid any conflicting judgments.

4.The husband is a police man employed in Nilgiris District at present. The learned counsel for the husband would submit that both the cases may be transferred to the Court, in between Theni and Madurai, so that it will be convenient for both the parties. The distance between the Nilgiris & Madurai and the Nilgiris and Theni is almost same. Though the learned counsel for the husband would claim that there is threat to his life, if he is to go to Theni, I am unable to accept the said contention. The wife is a resident of Bodinaickanur, Theni District. The fact that the husband is a policeman is also to be taken into account.

5.Considering the convenience of the parties, particularly the convenience of the wife, I am of the considered opinion that transfer of H.M.O.P.No.41 of 2020, from the file of Subordinate Court, Mudukulathur to Subordinate Court, Theni to be tried along with H.M.O.P.No.152 of 2020, will meet the ends of justice.

6. In view of the same, Tr.CMP(MD) No.291 of 2020 is allowed. H.M.O.P.No.41 of 2020 is withdrawn from the file of the Subordinate Court, Mudukulathur and transferred to the Subordinate Court, Theni to be tried along with H.M.O.P.No.152 of 2020, pending on its file. The Subordinate Court, Mudukulathur is directed to transmit the papers to the Subordinate Court, Theni forthwith. In view of the order passed in Tr.CMP(MD) No.291 of 2020, Tr.CMP(MD) No.318 of 2020 is dismissed. However, there will be no order as to costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (P&A)

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/ /2021

Sub Assistant Registrar(CS)



To

1.The Subordinate Court, Mudukulathur

2.The Subordinate Court, Theni

3.The Record Keeper, V.R.Section, (2C)

Madurai Bench of Madras High Court, Madurai.

+1 CC to M/s.R.SRIDEVI, Advocate (SR-2303[F] dated 29/01/2021)

Tr.C.M.P (MD) Nos.291 & 318 of 2020
and

C.M.P (MD) Nos.6387 & 7082 of 2020
27.01.2021

KG (CO)

KB (24.02.2021) 3P 6C