



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 03.02.2021

CORAM:

THE HONOURABLE MR.JUSTICE **R.SUBRAMANIAN**

Tr.C.M.P. (MD)No.321 of 2020

and

C.M.P. (MD)No.7165 of 2020

B.Ananthi ... Petitioner/ Petitioner

versus

P.Balasubramanian ... Respondent/Respondent

Transfer Petition filed under Section 24 of C.P.C. seeking to withdraw the HMOP No.248 of 2020 pending before the Hon'ble Family Judge, Sivagangai and to transfer the same to the file of the Hon'ble Family Judge, Madurai to be tried along with the HMOP No.334 of 2020 and to dispose of the same in accordance with law.

For Petitioner : Mr.Babu Rajendran
For Respondent : Mr.Devaraj Mahesh

ORDER

The wife seeks transfer of HMOP.No.248 of 2020, pending on the file of the Family Court, Sivaganga to the file of the Family Court, Madurai to be tried along with HMOP No.334 of 2020 filed by her seeking divorce.

2.The marriage took place on 08.06.2017. The petitioner wife filed HMOP.No.334 of 2020 on the file of the Family Court at Madurai on 20.07.2020, seeking divorce under Section 13(1)(i-a) of the Hindu Marriage Act. The private notice in the said HMOP was sent to the husband on 12.11.2020 and it is seen from the acknowledgement card produced that it was received by the husband on 14.11.2020 and thereafter, the husband chose to file HMOP No.248 of 2020 before the Family Court, Sivaganga on 18.11.2020.

3.The sequence of events narrated above would show that the HMOP No.248 of 2020 for restitution of conjugal rights was filed by the husband after receipt of notice in the HMOP filed by the wife. If these proceedings are allowed to go on parallelly in two different Courts, there is every possibility of there being conflicting judgments.



4.In view of the same and considering the distance between Sivaganga and Madurai, HMOP No.248 of 2020 filed by the husband, seeking restitution of conjugal rights is withdrawn from the file of the Family Court, Sivaganga and transferred to the file of the Family Court, Madurai, to be tried along with HMOP No.334 of 2020 pending on the file of the Family Court, Madurai.

5.In the result, this petition is allowed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS-II)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

dsk

To

1. The Judge, Family Court,
Sivagangai.

2. The Judge, Family Court,
Madurai.

+1 CC to M/s.BABU RAJENDRAN, Advocate (SR-3176[F] dated 04/02/2021)

Tr.C.M.P. (MD)No.321 of 2020

and

C.M.P. (MD)No.7165 of 2020

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TP(CO)

TR(16.02.2021) 2P 4C