



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.04.2022

CORAM

THE HONOURABLE MS.JUSTICE P.T.ASHA

TR.C.M.P.NO.237 OF 2022

AND

C.M.P.NO.4772 OF 2022

M.Sukanya

... Petitioner/Respondent

-Vs-

P.Senthilnathan

... Respondent/Petitioner

PRAYER: Petition filed under Section 24 of the Code of Civil Procedure, to withdraw H.M.O.P.No.131 of 2021 pending on the file of the Subordinate Court, Lalgudi and H.M.O.P.No.321 of 2020 from the Family Court, Salem and transfer the same to the file of the Family Court, Chennai.

For Petitioner : Mr.M.Padmanaban

For Respondent : Mr.S.Kamadevan

ORDER

The wife has filed the Transfer Civil Miscellaneous Petition seeking transfer of H.M.O.P.No.131 of 2019 filed by the husband for divorce on the file of the Subordinate Court, Lalgudi, and H.M.O.P.No.321 of 2020 on the file of the Family Court, Salem, for restitution of conjugal rights filed by the wife to the Family Court, Chennai.

2.The learned counsel for the respondent/husband would submit that the proceedings in H.M.O.P.No.131 of 2019 on the file of the Subordinate Court, Lalgudi, is at the stage of cross examination of P.W.1. The wife has filed H.M.O.P.No.321 of 2020 on the file of the Family Court, Salem, for restitution of conjugal rights. He has no objection but, however, contended that since the matter is now being transferred to the Family Court the presence of party was mandatory and this would cause



hardship to the respondent/husband who would have to travel to Chennai for every hearing. He would submit that time may be fixed for the disposal of the two H.M.O.P.s. It is also informed that the husband has filed his counter to H.M.O.P.No.321 of 2020.

3.Considering the fact that the issue involved is the same in both the petitions, this Transfer Civil Miscellaneous Petition is allowed, withdrawing the proceedings in H.M.O.P.No.131 of 2021 on the file of the Subordinate Court, Lalgudi and H.M.O.P.No.321 of 2020 on the file of the Family Court, Salem and transferring the above petitions to the file of the Family Court, Chennai.

The learned Judge to whom the matters are transferred shall take steps to dispose of the petitions within three months from the date of receipt of a copy of the records from the respective Courts. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar(CS-III)

//True Copy//

Sub Assistant Registrar

mps

To

1. The Subordinate Judge, Lalgudi.
2. The Judge, Family Court, Salem.
3. The Judge, Family Court, Chennai.

+1cc to M/s.S.Kamadevan, Advocate, S.R.No.27599

+1cc to M/s.M.Padmanaban, Advocate, S.R.No.27682

Tr.C.M.P. No.237 of 2022
and
C.M.P.No.4772 of 2022

PMK (CO)
RLP (10/06/2022)