



WEB COPY



TR.CMP.No.593 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.11.2022

CORAM:

THE HONOURABLE MR.JUSTICE S.SOUNTHAR

TR.CMP.No.593 of 2022
and CMP.No.10309 of 2022

A.Mohanapriya

... Petitioner

VS

S.Manojkumar

... Respondent

Prayer: Transfer Civil Miscellaneous Petition is filed under Section 24 of Civil Procedure Code, praying to withdraw the H.M.O.P.No.81 of 2021, from the file of Subordinate Court, Mettupalayam and to transfer the same to the file of the II Additional Subordinate Court, Coimbatore to be tried along with the H.M.O.P.No.207 of 2022.

For Petitioner : Mr.R.Prabakar

For Respondent : Mr.I.Periaswamy

ORDER

The petitioner/wife has come up with this transfer Civil Miscellaneous Petition, seeking transfer of petition for divorce filed by respondent/husband in HMOP.No.81 of 2021, from the file of Subordinate



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Court, Mettupalayam to the file of II Additional Subordinate Court, Coimbatore for joint trial along with the petition for restitution of conjugal right filed by the petitioner in H.M.O.P.No.207 of 2022.

2. According to the petitioner/wife, she is residing at Karumathampatti, Sulur Taluk, Coimbatore District within the territorial limits of the Subordinate Court, Coimbatore and she had instituted a petition for restitution of conjugal right in H.M.O.P.No.207 of 2022.

3. It is settled law that in matrimonial cases, the convenience of the wife shall be given preference. In the case on hand, the petitioner/wife is residing at Karumathampatti, Sulur Taluk, Coimbatore District within the territorial limits of the Subordinate Court, Coimbatore and she had instituted a petition for restitution of conjugal right in H.M.O.P.No.207 of 2022. If these two petitions filed by the petitioner and the respondent are allowed to go on separately, there is a likelihood of conflict of judicial verdicts. Therefore, in the interest of justice, both the cases have to be clubbed together for joint trial.



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4. By taking into consideration convenience of the wife and also in the interest of justice, this Court is inclined to order the above transfer petition.

5. Accordingly, the transfer Civil Miscellaneous Petition is allowed by withdrawing the HMOP.No.81 of 2021, from the file of Subordinate Court, Mettupalayam and transferring the same to the file of II Additional Subordinate Court, Coimbatore for joint trial along with H.M.O.P.No.207 of 2022. No costs. Consequently, connected miscellaneous petition is closed.

07.11.2022

Index : Yes / No
Internet : Yes / No
Speaking Order : Yes / No

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S.SOUNTHAR, J.

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To

- 1.The Subordinate Court, Mettupalayam.
- 2.The II Additional Subordinate Court, Coimbatore.

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