



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.06.2022

CORAM:

THE HONOURABLE MRS.JUSTICE S.KANNAMMAL

TR.C.M.P.NO.486 OF 2021

AND

C.M.P.NO.12944 OF 2021

Abinaya

... Petitioner

-vs-

N.Subramani

... Respondent

Transfer Civil Miscellaneous Petition is filed under Section 24 (1) of the Code of Civil Procedure, to order for withdraw and transfer of H.M.O.P.No.24 of 2021 pending on the file of the Sub-Court, Sankari to the Sub-Court at Perundurai for joint trial along with H.M.O.P.No.14 of 2021.

For Petitioner : Mr.S.Kaithamalai Kumaran

For Respondent : No appearance

ORDER

The present Transfer Civil Miscellaneous Petition is filed to withdraw and transfer of H.M.O.P.No.24 of 2021 pending on the file of the Sub-Court, Sankari to the Sub-Court at Perundurai for joint trial along with H.M.O.P.No.14 of 2021.

2.The petitioner/wife has filed H.M.O.P.No.14 of 2021 before the Sub-Court at Perundurai for divorce. The respondent/husband has filed H.M.O.P.No.24 of 2021 before the Sub-Court at Sankari for restitution of conjugal rights.

3.The learned counsel for the petitioner/wife submitted that the petitioner is residing at Perundurai with her aged parents and she finds it very difficult to travel from Perundurai to Sankari for attending the Court on every hearing in H.M.O.P.No.24 of 2021 on the file of the Sub-Court, Sankari.

4.Though notice has been served on the sole respondent and



his name is also printed in the cause list, there is no representation for him either in person or through counsel.

5. Heard the learned counsel for the petitioner and perused the materials available on record.

6. This Court is satisfied with the reasons stated in the affidavit filed in support of this petition. Further, since two cases are pending from two different Courts i.e., the wife filed a petition for divorce and the husband filed an application for restitution of conjugal rights, to avoid multiplicity of proceedings and conflicting judgments, both the cases have to be tried together before a single Judge.

7. Considering the facts and circumstances of the case and considering the submission made by the learned counsel for the petitioner, H.M.O.P.No.24 of 2021 is withdrawn from the file of the Sub-Court at Sankari and transferred to the file of the Sub-Court at Perundurai to be tried along with H.M.O.P.No.14 of 2021 for disposal as per law. The learned Sub-Judge, Sankari, is directed to transmit the papers to the Sub-Court at Perundurai forthwith. The learned Sub-Judge, Perundurai is directed to dispose H.M.O.P.No.24 of 2021 along with H.M.O.P.No.14 of 2021 on merits and in accordance with law as expeditiously as possible.

8. In fine, this petition is allowed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

gbi

To:

1. The Subordinate Judge, Sankari.
2. The Subordinate Judge, Perundurai.

+1cc to Mr.S.Kaithamalai Kumaran, Advocate, S.R.No.35006

Tr.C.M.P.No.486 of 2021

GP (CO)
PM/24/06/2022