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Tr.C.M.P.No.672 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:26.09.2022

CORAM:

THE HONOURABLE Mr. JUSTICE S.SOUNTHAR

Tr.C.M.P.No.672 of 2022

K.Vasanthakumar

...Petitioner

Vs

T.Sathiyavathi

... Respondent

Prayer: Transfer Civil Miscellaneous Petition is filed under Section 24 of the Code of Civil Procedure to withdraw and transfer the HMOP.No.159 of 2021 on the file of Family Court, Salem to the Subordinate Court, Harur and try along with the HMOP.No.145 of 2021, pending on the file of the Subordinate Court, Harur.

For Petitioner : Mr.S.Sivakumar

For Respondent : M/s.M.D.Thirunavukkarasu



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ORDER

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The petitioner/husband has come up with this transfer Civil Miscellaneous Petition, seeking transfer of HMOP.No.159 of 2021 pending on the file of Family Court, Salem to the file of Subordinate Court, Harur, for trial along with the petition for restitution of conjugal rights filed by respondent/wife in HMOP.No.145 of 2021.

2. The learned counsel for the petitioner submitted that if these two original petitions are allowed to go on separately, there is every likelihood of conflict of judicial verdicts and hence in the interest of justice, this petition for divorce pending before the Family Court, Salem, may be transferred to Subordinate Court Harur for trial along with petition for restitution of conjugal rights filed by the respondent/wife.

3. The learned counsel for the respondent/wife submitted that the respondent has no objection.



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4. I have given my anxious consideration to the aforesaid submissions. The submission made by the learned counsel for the petitioner is well founded. If the respective petitions filed by parties are allowed to go on before two different courts, there is every likely hood of conflicts of judicial verdicts. Hence, this Court is inclined to order the above transfer petition.

5. Accordingly, the transfer Civil Miscellaneous Petition is allowed by withdrawing the HMOP.No.159 of 2021, pending on the file of Family Court, Salem and transferring the same to Subordinate Court, Harur for trial along with HMOP.No.145 of 2021. No costs.

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Index: Yes/ No

Speaking Order / Non-Speaking Order

To

1. The Family Court, Salem.

2. The Subordinate Court, Harur.



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S.SOUNTHAR, J.

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