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Tr.C.M.P.No.702 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.09.2022

CORAM:

THE HONOURABLE Mr.JUSTICE S.SOUNTHAR

Tr.C.M.P.No.702 of 2022
and C.M.P.No.12030 of 2022
and
Tr.C.M.P.No.784 of 2022
and C.M.P.No.13474 of 2022

Anbarasi ...Petitioner in Tr.C.M.P.No.702 of 2022

J.Gopinath ...Petitioner in Tr.C.M.P.No.784 of 2022

Vs

J.Gopinath ...Respondent in Tr.C.M.P.No.702 of 2022

Anbarasi ...Respondent in Tr.C.M.P.No.784 of 2022

Prayer in Tr.C.M.P.No.702 of 2022: Transfer Civil Miscellaneous Petition is filed under Section 24 of the Code of Civil Procedure to withdraw the H.M.O.P.No.228 of 2022 on the file of Hon'ble Family Court, Tiruchirappalli and transfer the above petition to Hon'ble Family Court, Perambalur to be tried along with H.M.O.P.No.1 of 2022 on the file of the Hon'ble Family Court, Perambalur.

Prayer in Tr.C.M.P.No.784 of 2022: Transfer Civil Miscellaneous Petition is filed under Section 24 of the Code of Civil Procedure to withdraw the petition in H.M.O.P.No.1 of 2022 pending on the file of the learned Judge, Family



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Court, Perambalur and transfer the same to the file of the learned Judge, Family

Court, Tiruchirapalli.

In Tr.C.M.P.No.702 of 2022

For Petitioner : Mr.PL.Narayanan

For Respondent : M/s.A.Ramkumar

In Tr.C.M.P.No.784 of 2022

For Petitioner : M/s.A.Ramkumar

For Respondent : Mr.PL.Narayanan

ORDER

The petition in TR.C.M.P.No.702 of 2022 is filed seeking transfer of petition for restitution of conjugal rights filed by respondent/husband in H.M.O.P.No.228 of 2022 from the file of the Family Court, Tiruchirapalli to the Family Court, Perambalur for trial along with petition for divorce filed by petitioner in H.M.O.P.No.1 of 2022.

2. The TR.C.M.P.No.784 of 2022 is filed by the husband seeking transfer of petition for divorce filed by wife before the Family Court, Perambalur to the Family Court, Tiruchirapalli for trial along with his petition for restitution of conjugal rights.



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3. According to the petitioner that she is residing at Esanai village within the territorial jurisdiction of the Family Court, Perambalur along with her parents. According to the learned counsel for the petitioner, petitioner as a lady finds it very difficult to undertake travel to Tiruchirapalli to attend the Family Court hearings.

4. The respondent/husband on his part filed TR.C.M.P.No.784 of 2022 seeking transfer of petition filed by wife to Tiruchirapalli on the ground that whenever he visits Perambalur Court, he receives threats from the respondent's father and his henchmen. Though such an averment has been made in the affidavit filed in support of the husband's petition for transfer, he has not produced any materials to substantiate said averment. Therefore, this Court is not inclined to entertain the averment made by the husband regarding threats from petitioner's father and his henchmen.

5. It is settled law that in cases involving matrimonial dispute, the preference shall be given to the convenience of the wife.

6. In the case on hand, wife is residing at Perambalur, she finds it difficult to undertake travel to Tiruchirapalli to attend the Family Court



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hearing. Further, if these two petitions filed by the parties are allowed to go before two different Courts, there will be likelihood of conflict of judicial verdicts. Hence in the interest of justice, these two cases shall be tried together in a same Court. Accordingly by taking into consideration the convenience of the wife, the petition filed by the respondent/husband before the Family Court, Tiruchirapalli is withdrawn and transferred to the Family Court, Perambalur for trial along with the petition filed by wife in H.M.O.P.No.1 of 2022.

7. The TR.C.M.P.No.702 of 2022 is allowed. The petition H.M.O.P.No.228 of 2022 pending on the file of the Family Court, Tiruchirapalli is withdrawn and transferred to the Family Court, Perambalur for trial along with the petition filed in H.M.O.P.No.1 of 2022. The TR.C.M.P.No.784 of 2022 filed by husband is dismissed. Consequently, connected miscellaneous petitions are closed. No costs.

19.09.2022

Index: Yes/ No
Speaking Order / Non-Speaking Order
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To

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- 1.The Family Court,
Tiruchirappalli.
- 2.The Family Court,
Perambalur.



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S.SOUNTHAR, J.

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