



WEB COPY



Tr.C.M.P.No.751 of 2022

**IN THE HIGH COURT OF JUDICATURE AT MADRAS**

**DATED : 01.11.2022**

**CORAM:**

**THE HONOURABLE Mr. JUSTICE S.SOUNTHAR**

**Tr.C.M.P.No.751 of 2022**

**and**

**C.M.P.No.12756 of 2022**

Srinivasan

... Petitioner

Vs.

Annapooranai

... Respondent

**Prayer:** Transfer Civil Miscellaneous Petition is filed under Section 24(1) of the Civil Procedure Code, praying to withdraw the H.M.O.P.No.82 of 2017 pending on the file of the Subordinate Court, Harur and to transfer the said case to the Family Court, Dharmapuri.

For Petitioner : Mr.V.Sakkarapani

For Respondent : Mr.A.Ilayaperumal

**ORDER**

The petitioner/husband has filed this transfer petition seeking transfer of his petition for divorce in H.M.O.P.No.82 of 2017 pending on the file of the Subordinate Court, Harur to the file of the Family Court, Dharmapuri.

2. Heard the arguments of the learned counsel for the petitioner and the learned counsel for the respondent.



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3. According to the petitioner/husband, the respondent/wife filed a petition for restitution of conjugal rights in H.M.O.P.No.130 of 2018 before the Family Court, Dharmapuri and the same is pending. If the petition for divorce filed by the petitioner/husband and the petition for restitution of conjugal rights filed by the respondent/wife are allowed to go on before two different courts, there is a likelihood of conflict of judicial verdicts. Therefore, in the interest of justice both the petitions have to be tried together.

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

5. Accordingly, the Transfer Civil Miscellaneous Petition is allowed and H.M.O.P.No.82 of 2017 pending on the file of the Subordinate Court, Harur is withdrawn and transferred to the file of the Family Court, Dharmapuri for joint trial along with H.M.O.P.No.130 of 2018. No costs. Consequently, the connected civil miscellaneous petition is closed.

**01.11.2022**

Index : Yes/No  
Speaking Order : Yes/No  
dm



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To

1.The Subordinate Court, Harur.

2.The Family Court, Dharmapuri.



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**S.SOUNTHAR, J.**  
dm

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