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Tr.C.M.P.No.924 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.924 of 2022

and

C.M.P.No.15886 of 2022

N.C.Mirunalini @ Janani

... Petitioner

Vs.

S.Karthick

... Respondent

Prayer: Transfer Civil Miscellaneous Petition is filed under Section 24 of the Civil Procedure Code, praying to withdraw the H.M.O.P.No.28 of 2022 on the file of the learned Principal Subordinate Judge, Kancheepuram and transfer the same to the Family Court, Trichy tag along with H.M.O.P.No.122 of 2022 pending on the file of the Family Court, Trichy.

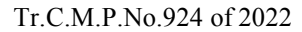
For Petitioner : Ms.E.Thiyaga

For Respondent : Mr.A.S.Aswinprasanna

ORDER

The petitioner/wife seeks transfer of petition for divorce filed by the respondent/husband in H.M.O.P.No.28 of 2022 from the file of the learned Principal Subordinate Judge, Kancheepuram to the file of the Family Court, Trichy.

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



3. According to the petitioner/wife, she is residing at Tiruchirapalli and she is having one male child aged about 7 years. As a lady, she finds it very difficult to undertake long travel to Kancheepuram to attend each and every court hearings. She had instituted a petition for restitution of conjugal rights in H.M.O.P.No.122 of 2022 before the Family Court, Trichy. Therefore, she filed this transfer petition with the aforesaid prayer.

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

5. In the case on hand, the petitioner/wife is residing at Tiruchirapalli and she is having one male child aged about 7 years and she expressed her difficulty in undertaking long travel to Kancheepuram to attend each and every court hearings. Further, the petitioner/wife already filed a petition for restitution of conjugal rights in H.M.O.P.No.122 of 2022 before the Family Court, Trichy. If the above two petitions filed by the petitioner/wife and the respondent/husband are allowed to go on before two different courts, there is a likelihood of conflict



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of judicial verdicts. Therefore, in the interest of justice both the petitions have to be tried together.

6. 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.

7. Accordingly, the Transfer Civil Miscellaneous Petition is allowed and H.M.O.P.No.28 of 2022 pending on the file of the learned Principal Subordinate Judge, Kancheepuram is withdrawn and transferred to the file of the Family Court, Trichy for joint trial along with H.M.O.P.No.122 of 2022. No costs. Consequently, the connected civil miscellaneous petition is closed.

01.11.2022

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

To

1.The Principal Subordinate Judge,
Kancheepuram.

2.The Family Court, Trichy.



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S.SOUNTHAR, J.
dm

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