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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.02.2022

CORAM :

THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN

TR.CMP NO.712 OF 2021
AND C.M.P.NO.17511 OF 2021

M.Vidhya

... Petitioner

-Vs-

Bhoovaragavan

... Respondent

Prayer :

Transfer Civil Miscellaneous Petition under Section 24 of C.P.C., to withdraw and transfer O.P.No.117 of 2020 pending on the file of Sub-Court, Chidambaram to the file of the Family Court, Villupuram.

For Petitioner : Mr.J.Arun Prasad

For Respondent : Mr.A.Muthukumar

O R D E R

The petitioner/wife seeks transfer of O.P.No.117 of 2020 pending on the file of Sub-Court, Chidambaram to Family Court, Villupuram to be tried along with H.M.O.P.No.54 of 2021 filed by her before the Family Court at Villupuram. O.P.No.117 of 2020 has been filed by the respondent/husband seeking divorce on the ground of cruelty. Though the same was filed even in the year 2020 it has been numbered in the year 2021. H.M.O.P.No.54 of 2021 has been filed by the petitioner/wife seeking restitution of conjugal rights before the Family Court at Villupuram. It is not in dispute that the proceeding at Family Court, Villupuram was filed later on. The wife would seek transfer of the proceedings before the Sub Court, Chidambaram on the ground of convenience as well as on the ground that her petition for restitution is pending before the Family Court at Villupuram.



2. Mr.Arun Prasad, learned counsel for the petitioner would vehemently contend that both these proceedings will have to be conducted in the same Court so as to avoid there being conflicting judicial verdicts. He would also contend that the wife is afraid of going to Chidambaram, as according to her, the husband's family is a very influential family in Chidambaram town.

3. Contending contra, Mr.A.Muthukumar, learned counsel for the respondent would submit that, if the proceedings are transferred from the Sub Court, Chidambaram to Family Court, Villupuram, the husband would be put to hardship. He would also submit that, in fact, he apprehends threat to his life at the hands of the wife's family.

4. Considering the allegations and counter allegations made by the parties, I am of the opinion that both the O.Ps could be transferred to a neutral venue so that the parties could conduct the proceedings in a peaceful manner, and Sub-Court, Neyveli would be convenient to both of them. Being a Sub-Court, the presence of parties for every hearing is also not mandatory and the parties can appear through counsel.

5. In view of the above, O.P.No.117 of 2020 is withdrawn from the file of the Sub-Court, Chidambaram and transferred to the file of Sub-Court, Neyveli and H.M.O.P.No.54 of 2021 is withdrawn from the file of Family Court, Villupuram and transferred to Sub-Court, Neyveli, for being tried together.

6. Accordingly, the Tr.C.M.P., is allowed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS IX)

//True Copy//

Sub Assistant Registrar

KST

To

1. The Sub Judge, Chidambaram.



2. The Judge,
The Family Court, Villupuram.

3. The Sub Judge, Neyveli.

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+1cc to Mr.J.Arun Prasad, Advocate, S.R.No.6079

+1cc to Mr.A.Muthukumar, Advocate, S.R.No.6337

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PL (CO)
PM/17/02/2022