

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.06.2022

CORAM:

THE HONOURABLE MRS.JUSTICE S. KANNAMMAL

Tr.C.M.P.No.688 of 2021  
and  
C.M.P.No.17071 of 2021

Jeeva

...Petitioner

Vs.

Narayanan

... Respondent

This Petition filed under Section 24 of the Code of Civil Procedure, praying to withdraw and transfer the case in HMOP No.64 of 2020 at Dharmapuri on the file of the Additional Sub-Court, Dharmapuri and transfer the same to the Sub-Court, Omalur, Salem District to be tried along with HMOP No.82 of 2021 and MC No.6 of 2021 for enquiry and disposal.

For Petitioner : Ms.G.Bala and Daisy

For Respondent : Mr.C.Prabakaran

ORDER

The wife seeks transfer of HMOP No.64 of 2020 pending on the file of the Additional Sub Court, Dharmapuri to the Sub Court, Omalur, Salem District to be tried along with HMOP No.82 of 2021 and MC No.6 of 2021.

2. HMOP No.64 of 2020 has been filed by the husband seeking restitution of conjugal rights before the Additional Sub Court, Dharmapuri. HMOP No.82 of 2021 has been filed by the wife seeking divorce before the Sub Court, Omalur, Salem. Pending these Original Petitions, the petitioner/wife filed the maintenance case in MC No.6 of 2021 before the Sub Court, Omalur, Salem . According to the learned counsel for the petitioner, if these petitions are allowed to proceed with in different Courts, there is a possibility of conflicting judicial verdicts.

3. Mr.C.Prabakaran, learned counsel appearing for the respondent/husband has no serious objection for transferring

HMOP No.64 of 2020 on the file of the Additional Sub Court, Dharmapuri to the Sub Court, Omalur, Salem District.

4. Considering the convenience of the wife and the fact that the petition for divorce in HMOP No.82 of 2021 and a petition for maintenance in MC No.6 of 2021 are pending before the same Court i.e., the Sub Court, Omalur, Salem District, the petition for restitution of conjugal rights in HMOP No.64 of 2020 is withdrawn from the file of the Additional Sub Court, Dharmapuri and transferred to the Sub Court, Omalur, Salem District to be tried and disposed of in accordance with law. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-  
Assistant Registrar(CS-VIII)

//True Copy//

Sub Assistant Registrar

vum

To

1. The Additional Sub Court,  
Dharmapuri.
2. The Sub Court,  
Omalur, Salem.

+1cc to M/s.C.Prabakaran, Advocate, S.R.No.39418

+1cc to M/s.G.Bala & Daisy, Advocate, S.R.No.38524

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NK(CO)  
UMA(18/07/2022)