



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.03.2022

CORAM

THE HONOURABLE MS. JUSTICE P.T.ASHA

Tr.CMP. No.723 of 2021
and
C.M.P.No.17689 of 2021

T. Lavanya

... Petitioner/Respondent.

Vs

Sakthijaganathan

... Respondent/Petitioner.

PRAYER: Petition filed under Section 24 of the Code of Civil Procedure, to order to withdraw the petition in HMOP No.77 of 2021 from the file of the Sub Court Bhavani and transfer the same to the Sub Court, Udumalpet to try along with OP No.63 of 2021.

For Petitioner : Mr.D.R.Arun Kumar

For Respondent : No appearance

ORDER

The respondent/wife in a petition for restitution of conjugal rights filed by the husband on the file of the Sub Court at Bhavani is the petitioner before this Court. The petitioner seeks to withdraw HMOP No.77 of 2021 pending on the file of the Sub Court at Bhavani and transfer the same to the file of the Sub Court at Udumalpet, to be tried along with O.P.No.63 of 2021.

2. The petitioner's reasons for seeking transfer is on the ground that the petitioner herein has filed a petition for divorce in O.P.No.63 of 2021 which is pending on the file of the Sub Court, Udumalpet. The petitioner would further submit that the distance between her native place and the Sub Court Bhavani is about 140 kilometers and it is very difficult for her to attend each and every proceedings along with her aged parents and minor son. Further she would also submit that by reason of the amendment to Section 19(iii) (a) of the Hindu Marriage Act, having been introduced by the Parliament, the wife has been given a special privilege of filing or defending the petition



wherever she is residing on the date of the presentation of the petition.

3. The respondent/husband though served has not entered appearance either in person or through counsel.

4. Heard the learned counsel for the petitioner/wife.

5. Therefore, in order to avoid conflicting judgments and also taking into account the fact that the petition filed by the petitioner/wife is now pending on the file of the Sub Court at Udumalpet, interest of justice would be served if HMOP No.77 of 2021 pending on the file of the Sub Court at Bhavani, transferred to the file of the Sub Court at Udumalpet, to be tried along with O.P.No.63 of 2021.

6. Consequently, the Transfer Civil Miscellaneous Petition is allowed as prayed for. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar(CS-VIII)

//True Copy//

Sub Assistant Registrar

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To

1.The Subordinate Judge, Bhavani.

2.The Subordinate Judge, Udumalpet.

+1cc to Mr.D.R.Arun Kumar, Advocate, S.R.No.17125

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GPL(CO)
SB(05/04/2022)