



WEB COPY



Tr.C.M.P.No.813 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.11.2022

CORAM:

THE HONOURABLE Mr. JUSTICE S.SOUNTHAR

Tr.C.M.P.No.813 of 2022

and

C.M.P.No.14169 of 2022

P.Sindhuja

... Petitioner

Vs.

S.Selvakumar

... Respondent

Prayer: Transfer Civil Miscellaneous Petition is filed under Section 24 of the Civil Procedure Code, praying to pass an order withdrawing the case in H.M.O.P.No.244 of 2022 pending on the file of the learned Sub Court, Thiruvottiyur and to transfer to the file of Sub Court, Manapparai, Trichy District.

For Petitioner : Mr.R.Ragavendran

For Respondent : Mr.E.Anand Babu

ORDER

The Transfer Civil Miscellaneous Petition is filed by the petitioner/wife seeking transfer of petition for divorce filed by the respondent/husband in



Tr.C.M.P.No.813 of 2022

H.M.O.P.No.244 of 2022 from the file of the Sub Court, Thiruvottiyur to the file of the Sub Court, Manapparai, Trichy District.

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

3. According to the petitioner/wife, she is residing at T.Alai, Manapparai Taluk, Trichy and she has instituted a petition for restitution of conjugal rights against the respondent/husband in H.M.O.P.No.18 of 2022 on the file of the Sub Court, Manapparai. It is also stated that she had filed a complaint under the Domestic Violence Act, 2005 in D.V.C.No.4 of 2022 and maintenance case in M.C.No.10 of 2022 before the learned Judicial Magistrate, Manapparai. It is also stated that the respondent had filed a counter blast petition for divorce in H.M.O.P.No.244 of 2022 on the file of the Sub Court, Thiruvottiyur. The petitioner also stated that her parents were aged people and there was nobody accompany her to undertake long travel to Thiruvottiyur to attend each and every court hearings. Therefore, she filed this transfer petition with the aforesaid prayer.



Tr.C.M.P.No.813 of 2022

WEB COPY

4. The learned counsel for the respondent submitted that he has no objection for ordering this transfer petition.

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

6. In the case on hand, the petitioner/wife is residing at T.Alai, Manapparai Taluk within the territorial limits of Sub Court, Manapparai. She also expressed her difficulty in undertaking such a long travel to Thiruvottiur to attend each and every court hearings. Further, the petition for restitution of conjugal rights filed by the petitioner/wife is pending before the Sub Court, Manapparai and the petition for divorce filed by the respondent/husband is pending before the Sub Court, Thiruvottiur. If these petitions 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.

7. By taking into consideration the convenience of the petitioner/wife and



Tr.C.M.P.No.813 of 2022

also the interest of justice, this Court is inclined to order the above transfer petition as prayed for.

8. Accordingly, the Transfer Civil Miscellaneous Petition is allowed and H.M.O.P.No.244 of 2022 pending on the file of the Sub Court, Thiruvottiyur is withdrawn and transferred to the file of the Sub Court, Manapparai, Trichy District for joint trial along with H.M.O.P.No.18 of 2022. No costs. Consequently, the connected civil miscellaneous petition is closed.

15.11.2022

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



Tr.C.M.P.No.813 of 2022

To

WEB COURT

1.The Sub Court,
Thiruvottiyur.

2.The Sub Court,
Manapparai, Trichy District.



WEB COPY



Tr.C.M.P.No.813 of 2022

S.SOUNTHAR, J.
dm

Tr.C.M.P.No.813 of 2022

15.11.2022