



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.01.2022

CORAM:

THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN

Tr.C.M.P.No.769 of 2021
and
C.M.P.No.18132 of 2021

R.Ragapriya

.. Petitioner/Petitioner

Vs.

M.Dinesh Ram

.. Respondent/Respondent

PRAYER: Transfer Civil Miscellaneous Petition filed under Section 24(1)(b) of Code of Civil Procedure, praying to withdraw the case in HMOP.No.49 of 2021 before the Sub Court, Periyakulam, Theni District and the same maybe transferred to the Sub-Court, Poonamallee for joint trial with the case in HMOP.No.829 of 2021.

For Petitioner : Mr.V.R.Appaswamee

For Respondent : Mr.I.Sam Jegan

O R D E R

The petitioner/ wife seeks transfer of HMOP.No.49 of 2021 pending on the file of the Sub-Court, Periyakulam, Theni District to Sub-Court, Poonamallee for joint trial with HMOP.No.829 of 2021.

2. While the husband has sought for divorce in HMOP.No.49 of 2021, the wife seeks restitution of conjugal rights in HMOP.No.829 of 2021. The two proceedings cannot be tried separately, as there is a possibility of conflicting judicial verdicts.

3. However, the learned counsel for the respondent/ husband would submit that both the Original Petitions can be transferred to any other Court other than the Sub-Court at Poonamalle, as the wife's family is powerful family in that area.

4. Considering the said apprehension, both the proceedings in HMOP.No.49 of 2021 pending on the file of the Sub-Court, Periyakulam, Theni District and HMOP.No.829 of 2021 pending on



the file of the Sub-Court, Poonamalle are withdrawn from the respective Sub-Courts and transferred to the Sub-Court, Alandur for disposal in accordance with law.

5. This Transfer Civil Miscellaneous Petition is disposed of as above. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

dsa

To

1. The Sub-Judge, Poonamallee.
2. The Sub-Judge, Periyakulam, Theni.
3. The Sub-Judge, Alandur.

+1cc to Mr.V.R.Appaswamee, Advocate, S.R.No.541

+1cc to Mr.I.Sam Jegan, Advocate, S.R.No.949

Tr.C.M.P.No.769 of 2021

SR(CO)
CT 20/01/2022