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Tr.C.M.P.No.884 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.11.2022

CORAM:

THE HONOURABLE Mr. JUSTICE S.SOUNTHAR

Tr.C.M.P.No.884 of 2022

and

C.M.P.No.15383 of 2022

S.Kurinji Malar

... Petitioner

Vs.

M.Sridar @ Suresh Babu

... Respondent

Prayer: Transfer Civil Miscellaneous Petition is filed under Section 24 of the Civil Procedure Code, praying to withdraw the petition in H.M.O.P.No.182 of 2020 pending on the file of the learned Principal Subordinate Judge, Tiruchirappalli and to transfer the same to the Principal Subordinate Court at Ponneri to be tried along with H.M.O.P.No.112 of 2021.

For Petitioner : Ms.G.Deepika
for Mr.S.Giritharan

For Respondent : Mr.D.Kalaiselvi



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ORDER

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The Transfer Civil Miscellaneous Petition is filed by the petitioner/wife seeking transfer of petition for divorce filed by the respondent/husband in H.M.O.P.No.182 of 2020 pending on the file of the learned Principal Subordinate Judge, Tiruchirappalli to the file of the Principal Subordinate Court, Ponneri.

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

3. According to the petitioner, she is residing at Ponneri and she also averred that the distance between Ponneri and Tiruchirappalli is 360 kms and as a lady, she finds it very difficult to undertake such a long travel to Tiruchirappalli to attend each and every court hearings. It is also stated that she had instituted a petition for restitution of conjugal rights in H.M.O.P.No.112 of 2021 and the same is pending before the learned Principal Sub Judge, Ponneri.

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



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5. In the case on hand, the petitioner/wife is residing at Ponneri and she stated that the distance between Ponneri and Tiruchirappalli is 360 kms and as a lady, she finds it very difficult to undertake such a long travel to Tiruchirappalli to attend each and every court hearings. It is further stated that the petitioner/wife filed a petition for restitution of conjugal rights in H.M.O.P.No.112 of 2021 on the file of learned Principal Sub Judge, Ponneri and the petition for divorce filed by the respondent/husband in H.M.O.P.No.182 of 2020 is pending before the learned Principal Subordinate Judge, Tiruchirappalli. If the above two petitions filed by the petitioner/wife and the respondent/husband are allowed to go on before two different courts, there is a every likelihood of conflict of judicial verdicts. Therefore, in the interest of justice, both the petitions have to be tried together.

6. By taking into consideration the convenience of the wife and also the interest of justice, the Transfer Civil Miscellaneous Petition is allowed and the petition for divorce filed by the respondent/husband in H.M.O.P.No.182 of 2020 pending on the file of the leaned Principal Subordinate Judge, Tiruchirappalli is withdrawn and transferred to the file of the Principal Subordinate Court, Ponneri for joint trial along with H.M.O.P.No.112 of 2021. No costs. Consequently,



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connected civil miscellaneous petition is closed.

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S.SOUNTHAR, J.
dm

7. The learned counsel for both the parties requested this Court to fix the time limit to dispose of the above said HMOPs. The petition for divorce filed by the respondent/husband is of the year 2020. Therefore, this Court is inclined to issue a direction to the Principal Subordinate Court, Ponneri to dispose of H.M.O.P.No.182 of 2020 and H.M.O.P.No.112 of 2021 within a period of nine months from the date of receipt of original records from the transferor Court.

01.11.2022

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

To

- 1.The Principal Subordinate Judge,
Tiruchirappalli.
- 2.The Principal Subordinate Court,
Ponneri.

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