



Tr.CMP.No.881 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.11.2022

CORAM:

THE HONOURABLE MR.JUSTICE S.SOUNTHAR

Tr.CMP.No.881 of 2022

and

CMP.No.15308 of 2022

Aswini Nethria Priya

... Petitioner

Vs.

K.Kannan

... Respondent

Prayer: Transfer Civil Miscellaneous Petition filed under Section 24 of CPC, to withdraw the case in HMOP.No.117 of 2022 pending before the Sub-Court, Rasipuram and the same may be transferred to the Family Court, Krishnagiri, for joint trial with the case in HMOP.No.157 of 2021 pending on the file of the Family Court, Krishnagiri.

For Petitioner : Mr.P.M.Jayachandran

For Respondent : No appearance



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ORDER

This petition has been filed to withdraw the petition in HMOP.No.117 of 2022 pending on the file of the Sub-Court, Rasipuram and transfer the same to the Family Court, Krishnagiri, to be tried along with HMOP.No.157 of 2021 pending on the file of the Family Court, Krishnagiri, for trial or disposal.

2. The petitioner/wife is seeking transfer of the petition for restitution of conjugal rights filed by the respondent/husband in HMOP.No.117 of 2022 pending on the file of the Sub-Court, Rasipuram. According to the petitioner/wife, she instituted a petition for divorce before the Family Court, Krishnagiri, in HMOP.No.157 of 2021 and the same is pending. Subsequently, as a counter blast, the respondent/husband has filed a petition for restitution of conjugal rights in HMOP.No.117 of 2022 on the file of the Sub-Court, Rasipuram. The petitioner seeks transfer of husband's petition for restitution of conjugal rights for joint trial along with her petition for divorce. If the divorce petition filed by the petitioner and restitution of conjugal rights petition filed by the respondent are allowed to go on separately in two different Courts, there is a likelihood of conflict of judicial



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verdicts by Courts of competent jurisdiction. Therefore, in the interest of justice, both the petitions have to be tried together. It is settled law that, in a case involving matrimonial disputes, the convenience of the wife should be given preference.

3. The respondent is served with notice and his name is printed in the cause-list, but there is no representation for the respondent.

4. Therefore, the transfer petition filed by the petitioner is allowed and the petition for restitution conjugal rights filed by the husband in HMOP.No.117 of 2022 on the file of the Sub-Court, Rasipuram, is withdrawn and transferred to the Family Court, Krishnagiri, for joint trial along with HMOP.No.157 of 2021. No costs. Consequently, connected miscellaneous petition is closed.

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Index : Yes / No
Internet : Yes / No
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S.SOUNTHAR, J.
dna

To

- 1.The Sub-Court, Rasipuram
- 2.The Family Court, Krishnagiri.

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