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Tr.C.M.P.No.890 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.10.2022

CORAM:

THE HONOURABLE Mr. JUSTICE S.SOUNTHAR

Tr.C.M.P.No.890 of 2022

and

C.M.P.No.15425 of 2022

T.Rathiya

... Petitioner

Vs.

A.Saravanan

... Respondent

Prayer: Transfer Civil Miscellaneous Petition is filed under Section 24 of the Civil Procedure Code, praying to withdraw the proceedings pending before the Additional Sub Court, Kallakuruchi in H.M.O.P.No.136 of 2021 and transfer the same to the Sub Court, Chidambaram to be tried along with H.M.O.P.No.74 of 2022.

For Petitioner : Mr.J.Antony Jesus

For Respondent : No Appearance

ORDER

The petitioner/wife seeks transfer of petition for divorce filed by the respondent/husband in H.M.O.P.No.136 of 2021 pending on the file of the Additional Sub Court, Kallakurichi to the file of the Sub Court, Chidambaram.

2. Though notice was served on the respondent and his name appears in



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the cause-list, there is no representation for the respondent.

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3. According to the petitioner, she is residing at Chidambaram and she had expressed her difficulty in undertaking travel to Kallakuruchi to attend regular court hearing. It is also stated that another petition was filed by the respondent/husband for restitution of conjugal rights in H.M.O.P.No.74 of 2022 is pending before the Sub Court, Chidambaram.

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

5. In the case on hand, petitioner/wife is residing at Chidambaram and she had expressed her difficulty in undertaking travel to Kallakuruchi to attend regular court hearing. If the above two petitions filed by 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 these petitions have to be tried together.

6. In these circumstances, this Court is inclined to order the above



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transfer petition.

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7. Accordingly, the Transfer Civil Miscellaneous Petition is allowed and H.M.O.P.No.136 of 2021 pending on the file of the Additional Sub Court, Kallakurichi is withdrawn and transferred to the file of the Sub Court, Chidambaram. No costs. Consequently, connected civil miscellaneous petition is closed.

19.10.2022

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

To

1.The Additional Sub Court,
Kallakuruchi.

2.The Sub Court,
Chidambaram.



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S.SOUNTHAR, J.
dm

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