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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.02.2022

CORAM:

THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN

TR CMP No.807 of 2021
and CMP No.19760 of 2021

N.Narmadha

... Petitioner

Vs

S.M.Mohan Raj

... Respondent

Prayer: Transfer Civil Miscellaneous Petition filed under Section 24 of the Code of Civil Procedure, 1908, pleased to withdraw the case in F.C.O.P.No.1073 of 2020 pending on the file of the Family Judge, Coimbatore and transfer the same to the Sub Court, Palani, Dindigul district, to be tried along with the H.M.O.P.No.74 of 2021 pending on the file of the Sub Court, Palani.

For Petitioner : Mr.P.R.Krishnaraj

For Respondent : No appearance

O R D E R

Despite service, the respondent is not appearing either in person or through counsel duly instructed.

2.The petitioner wife seeks transfer of FCOP.No.1073 of 2020 pending on the file of the Family Court, Coimbatore to the file of Sub Court, Palani to be tried along with HMOP.No.74 of 2021 pending on the file of the Sub Court, Palani.

3.FCOP.No.1073 of 2020 has been filed by the husband seeking divorce before the Family Court at Coimbatore. The wife has filed HMOP.No.74 of 2021 under Section 9 seeking restitution of conjugal rights before the Sub Court, Palani. These two proceedings cannot be allowed to be held in two different Courts as the same would give raise to the possibility of there being conflicting judicial verdict.



4.From the records, it is seen that the wife is a resident of Palani. The inconvenience that would be caused to the husband by transferring the case to Palani will be less because he can appear through counsel before the Sub Court.

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5.Hence, this Transfer Civil Miscellaneous Petition is allowed. FCOP.No.1073 of 2020 is withdrawn from the file of the Family Court, Coimbatore and transferred to the Sub Court, Palani to be disposed of along with HMOP.No.74 of 2021 pending on its file. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS-VII)

//True copy//

Sub Assistant Registrar

vs

To

1. The Family Court Judge,
Coimbatore.
2. The Subordinate Judge,
Palani, Dindigul District.

+1cc to Mr.P.R.Krishnaraj, Advocate SR.No.6669

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MT(CO)
GMY(24/02/2022)