



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.01.2022

CORAM:

THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN

Tr.CMP.No.863 of 2021

and

CMP.No.19406 of 2021

T.Yogeshwari

..Petitioner/Respondent

Vs.

R.H.Dinesh

..Respondent/ Petitioner

Prayer: Transfer civil miscellaneous petition filed under Section 24 of CPC, seeking to withdraw HMOP.No.74 of 2020 on the file of the Family Court at Salem and transfer the same to be tried jointly with HMOP.No.83 of 2020 pending on the file of the Sub-ordinate Court, Attur.

For Petitioner : Mrs.Senthilvadiivu

O R D E R

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

2.The petitioner / wife seeks transfer of HMOP.No.74 of 2020 on the file of the Family Court, Salem to the Sub-Court, Attur to be tried along with HMOP.No.83 of 2020 pending on its file.

3.It is seen from the records that HMOP.No.74 of 2020 is a petition under Section 9 of the Hindu Marriage Act seeking restitution of conjugal rights filed by the husband before the Family Court at Salem. HMOP.No.83 of 2020 has been filed by the wife seeking divorce on the file of the Sub-Court, Attur. Both these proceedings cannot be allowed to be held in different Courts as there is a possibility of conflicting judicial verdicts. Hence, this transfer civil miscellaneous petition is allowed, HMOP.No.74 of 2020 is withdrawn from the file of the Family Court, Salem and transferred to the Sub-Court, Attur to be tried along with HMOP.No.83 of 2020. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS IX)

//True Copy//

Sub Assistant Registrar



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To:-

1.The Judge, Family Court,
Salem.

2.The Subordinate Judge,
Attur.

+1cc to Mr.R.Samratt, Advocate, S.R.No.2913

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PL (CO)
CT 15/02/2022