



TR.CMP.No.937 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.10.2022

CORAM:

THE HONOURABLE **MR.JUSTICE S.SOUNTHAR**

Tr.CMP.No.937 of 2022

and

C.M.P.No.16066 of 2022

Sivasankari

... Petitioner

Versus

Prakash

... Respondent

Prayer: Transfer Civil Miscellaneous Petition is filed under Section 24 of Civil Procedure Code, praying to withdraw H.M.O.P.No.200 of 2021 pending on the file of the Additional Sub Court, Kumbakonam and transfer the same to the file of Sub Court at Tiruvarur.

For Petitioner : Ms.J.Nathiya

For Respondent : No appearance

ORDER

This Transfer Civil Miscellaneous Petition has been filed seeking transfer of petition for Restitution of Conjugal Rights filed by the respondent/husband in H.M.O.P.No.200 of 2021, pending on the file of the



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Additional Sub Court, Kumbakonam to the Sub Court, Tiruvarur.

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2.Though the notice has been served on the respondent and his name is appeared in the list, there is no representation for the respondent.

3.According to the petitioner, she is residing at Achuthamangalam Main Road, Nannilam Taluk. It is also stated by the petitioner that she had filed a petition seeking divorce in H.M.O.P.No.151 of 2021, on the file of Sub Court, Tiruvarur.

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

5.In the present case on hand, the petitioner/wife is residing at Achuthamangalam Main Road, Nannilam Taluk within the territorial limits of Sub Court, Tiruvarur. It is also stated that she had filed a petition seeking divorce in H.M.O.P.No.151 of 2021, on the file of said Court. If these two petitions filed by the petitioner and the respondent are allowed to go on



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before two different Courts, there is a likelihood of conflict of judicial verdicts. Therefore, in the interest of justice, these petitions have to be tried together in the same Court.

6.By taking into consideration the interest of justice and also the convenience of the petitioner/wife, this Court is inclined to order the Tr.C.M.P. Petition.

7.Accordingly, the Transfer Civil Miscellaneous Petition is allowed. The petition filed in H.M.O.P.No.200 of 2021, pending on the file of the Additional Sub Court, Kumbakonam is withdrawn and transferred to the file of Sub Court at Tiruvarur for joint trial along with H.M.O.P.No.151 of 2021. Consequently, connected Civil Miscellaneous Petition is closed. No costs.

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Index : Yes / No
Speaking Order : Yes / No
rpl
To

S.SOUNTHAR , J.

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rpl

1. The Additional Sub Court, Kumbakonam.
2. The Sub Court, Thiruvarur.

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