



TR.CMP.No.938 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.10.2022

CORAM:

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

Tr.CMP.No.938 of 2022
and
C.M.P.No.16090 of 2022

Suganthi Ramasamy

... Petitioner

Versus

Ramachandran Murugan

... Respondent

Prayer: Transfer Civil Miscellaneous Petition is filed under Section 24 of Civil Procedure Code, praying to withdraw and transfer the case in H.M.O.P.No.97 of 2020 from the file of the learned Additional Subordinate Judge II, Coimbatore to the Court of learned Subordinate Judge, Udumalpet to be tried along with H.M.O.P.No.225 of 2022.

For Petitioner : Mr.D.Ganesh Raj

For Respondent : No appearance

ORDER

This Transfer Civil Miscellaneous Petition has been filed by the petitioner/wife seeking transfer of petition for divorce filed by the



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respondent/husband in H.M.O.P.No.97 of 2020 pending on the file of the learned Additional Subordinate Judge II, Coimbatore to the Subordinate Judge, Udumalpet to be tried along with H.M.O.P.No.225 of 2022.

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

3.According to the petitioner, she is residing at Udumalpet. It is also stated by the petitioner that she had filed a petition seeking Restitution of Conjugal Rights in H.M.O.P.No.225 of 2022 on the file of Sub Court, Udumalpet and the same is pending. She is also expressed difficulty in undertaking travel to Coimbatore to attend the Court hearings.

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 case on hand, the petitioner/wife is residing at Udumalpet within the territorial limits of Subordinate Court, Udumalpet and she has



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some difficulty in undertaking travel to Coimbatore. Further she had filed a petition seeking Restitution of Conjugal Rights in H.M.O.P.No.225 of 2022. If these two petitions are allowed to go on before two different Courts, there is likelihood of conflict of the judicial verdict. Therefore, these two petitions are to be tried together in the same Court.

6.By taking into consideration the convenience of wife and the interest of justice, this Court is inclined to order the above Tr.C.M.P. Accordingly, the Transfer Civil Miscellaneous Petition is allowed. The petition filed in H.M.O.P.No.97 of 2020 from the file of the learned Additional Subordinate Judge II, Coimbatore is withdrawn and transferred to the learned Subordinate Judge, Udumalpet for trial along with H.M.O.P.No.225 of 2022. Consequently, connected Civil Miscellaneous Petition is closed. No costs.

20.10.2022

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



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S.SOUNTHAR, J.

rpl

To

1. The Additional Subordinate Judge II, Coimbatore
2. The Subordinate Court, Udumalpet.

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