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Tr.C.M.P.No.972 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:03.11.2022

CORAM:

THE HONOURABLE Mr. JUSTICE S.SOUNTHAR

Tr.C.M.P.No.972 of 2022
and CMP.No.16677 of 2022

Kausalya

...Petitioner

Vs

P.Amudhan

... Respondent

Prayer: Transfer Civil Miscellaneous Petition is filed under Section 151 of the Code of Civil Procedure to withdraw the HMOP.No.30 of 2022 from the file of learned Subordinate Judge, Aruppukottai and transfer the same to the learned Subordinate Judge, Gobichettipalayam to be tried along with HMOP.No.137 of 2021.

For Petitioner : Mr.P.V.Ramachandran

For Respondent : M/s.B.Kavitha



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ORDER

The petitioner/wife has come up with this transfer Civil Miscellaneous Petition, seeking transfer of HMOP.No.30 of 2022 pending on the file of the learned Subordinate Judge, Aruppukottai and transfer the same to the learned Subordinate Judge, Gobichettipalayam.

2. Though the respondent was served and his name appears in the cause list, there is no representation for the respondent.

3. The learned counsel for the petitioner submitted that if these two proceedings initiated by the petitioner and respondent are allowed to go on separately, there is every likelihood of conflict of judicial verdicts. Therefore, in the interest of justice both the cases have to be clubbed together. The learned counsel further submitted that the petitioner is a lady and she finds it very difficult to travel to Aruppukottai from Gobichettipalayam and hence, the restitution of conjugal rights petition filed by husband, pending on the file of Subordinate Judge, Arupukkottai



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may be transferred to Subordinate Judge, Gobichettipalayam.

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4. It is settled law in the matrimonial case that the convenience of the wife shall be given preference. Further, the issues involved in both the petitions pending on the file of Subordinate Judge, Arupukkottai and Subordinate Judge, Gobichettipalayam are one and the same and if these two O.Ps. are allowed to go on separately, there is a likelihood of conflict of judicial verdicts. Hence, this Court is inclined to transfer the case pending on the file of Subordinate Judge, Arupukkottai to Subordinate Judge, Gobichettipalayam, for joint trial.

5. Accordingly, the transfer Civil Miscellaneous Petition is allowed by withdrawing the HMOP.No.30 of 2022, pending on the file of Subordinate Judge, Arupukkottai and transferring the same to the Subordinate Judge, Gobichettipalayam, for joint trial along with H.M.O.P.No.137 of 2021. No costs.

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S.SOUNTHAR, J.

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To

1. The Subordinate Judge, Aruppukottai.
2. The Subordinate Judge, Gobichettipalayam.

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