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Tr.C.M.P.No.981 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.11.2022

CORAM:

THE HONOURABLE Mr. JUSTICE S.SOUNTHAR

Tr.C.M.P.No.981 of 2022

and

C.M.P.No.16823 of 2022

H.Madhumitha

... Petitioner

Vs.

M.Suresh

... Respondent

Prayer: Transfer Civil Miscellaneous Petition is filed under Section 24 of Civil Procedure Code, 1908, praying to withdraw the H.M.O.P No.2499 of 2022 from the file of the learned Hon'ble I Additional Family Judge at Chennai, Chennai District and transfer the same to the file of the Hon'ble Subordinate Judge at Ranipet, Ranipet District.

For Petitioner : Mr.D.Jagadeesan

For Respondent : Mr.R.Anbukarasu



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ORDER

This Transfer Civil Miscellaneous Petition is filed by the petitioner/wife seeking transfer of petition for divorce filed by the respondent/husband in H.M.O.P.No.2499 of 2022, from the file of the I Additional Family Court, Chennai to the Subordinate Court, Ranipet.

2. According to the petitioner/wife, she is residing at No.2/62A, First Street, Pilleri, Ladavaram Post, Arcot Taluk, Ranipet District, along with her aged parents. She has already instituted a petition for restitution of conjugal rights in H.M.O.P.No.136 of 2022 on the file of Subordinate Court, Ranipet, Ranipet District.

3. The notice is served on the respondent and his name appears in the list.

4. Mr.R.Anbukarasu, the learned counsel on instructions opposed the transfer application filed by the petitioner on the ground that the petitioner/wife



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wantonly filed the petition for restitution of conjugal rights in H.M.O.P.No.136 of 2022 before the Subordinate Court, Ranipet District, just to harass the respondent.

5. Heard the arguments of the learned counsel for the petitioner and perused the records. It is settled law that in cases involving matrimonial dispute, the preference shall be given to the convenience of the petitioner/wife.

6. In the case on hand, the petitioner/wife is residing along with her parents at No.2/62A, First Street, Pilleri, Ladavaram Post, Arcot Taluk, Ranipet District within the territorial limits of Subordinate Court, Ranipet. She has filed a petition for restitution of conjugal rights before the Subordinate Court, Ranipet.

7. The issues involved in both the petition for divorce filed by husband and petition for restitution of conjugal rights filed by wife are one and the same. If these two petitions are allowed to go on before two different Courts, there is a likelihood of conflict of judicial verdicts. Hence in the interest of justice, both these petitions have to be heard together.



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S.SOUNTHAR, J.

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