



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.02.2022

CORAM

THE HONOURABLE MS.JUSTICE P.T.ASHA

TR.CMP.NO.973 OF 2021

AND

C.M.P.NO.21602 OF 2021

P.Nandhini

...Petitioner

Vs

N.U.Alagiri

...Respondent

PRAYER : Petition filed under Section 24 of the Code of Civil Procedure, to withdraw H.M.O.P.No.42 of 2021 on the file of Sub Court, Tiruthani and transfer the same to the file of Sub Court Arakkonam to be heard along with H.M.O.P.No.183 of 2021 pending on its file.

For Petitioner : Mr.S.Kaithamalai Kumaran

For Respondent : No Appearance

ORDER

The respondent wife in H.M.O.P.No.42 of 2021 pending on the file of the Sub Court, Tiruthani has moved this Transfer Civil Miscellaneous Petition, before this Court seeking to transfer the said petition to the file of the Sub Court, Arakkonam where the petition filed by the petitioner in H.M.O.P.No.183 of 2021 is pending.

2. The petitioner would contend that she is living with her parents at Sholinghur Town. She would submit that she has initiated proceedings under the Domestic Violence Act, before the Judicial Magistrate, Sholinghur in D.V.C.No.7 of 2021, against the respondent and his family members. She has also filed a petition for divorce before the Sub Court at Arakkonam in H.M.O.P.No.183 of 2021. The respondent/ husband has filed H.M.O.P.No.42 of 2021 for the Restitution of Conjugal Rights on the file of the Sub-Court, Tiruthani.

3. Considering the fact that the petitioner herein has already filed an application for divorce on the file of the Sub Court, Arakkonam and as the Domestic Violence proceedings under



Domestic Violence Act is also pending before the Judicial Magistrate, where the respondent has to appear in person for hearing proceeding. Interest of justice would be subserved if H.M.O.P No.42 of 2021 pending on the file of the Sub Court Tiruthani is withdrawn and transferred to the file of the Sub Court Arakkonam, to be tried along with H.M.O.P.No.183 of 2021.

4. Consequently, the Transfer Civil Miscellaneous Petition is allowed as prayed for. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar(CS-VII)

// True Copy //

Sub Assistant Registrar

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To

1.The Subordinate Judge,
Tiruthani.

2.The Subordinate Judge,
Arakkonam.

+1cc to Mr.S.Kaithamalai Kumaran, Advocate Sr.No.9458

Tr.CMP. No.973 of 2021
and
C.M.P.No.21602 of 2021

RP(CO)
RVM(03/03/2022)