



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.02.2022

CORAM

THE HONOURABLE MS.JUSTICE P.T.ASHA

TR.CMP.NO.967 OF 2021

AND

C.M.P.NO.21522 OF 2021

Agasthiyan

...Petitioner / Respondent

Vs

Devi Priya

...Respondent / Petitioner

PRAYER : Petition filed under Section 24 of the Code of Civil Procedure, to withdraw the case in H.M.O.P.No.183 of 2021 before the Family Court, Mannargudi, Thiruvavarur District and the same may be transferred to the Additional Sub Court, Hosur, Krishnagiri District for Joint Trial with the case in H.M.O.P.No.184 of 2021 pending on the file of the Addl. Sub Court Hosur Krishnagiri District.

For Petitioner : Mr.V.R.Appaswamee

For Respondent : Mr.M.Vijayaragavan

ORDER

Transfer Civil Miscellaneous Petition is filed by the husband for transferring the petition for restitution of Conjugal Right filed by the wife on the file of the Family Court Mannargudi, Thiruvavarur District to the file of the Additional Sub Court, Hosur, Krishnagiri to be tried along with the H.M.O.P.No.184 of 2021, petition for divorce now pending before the Additional Sub Court, Hosur, Krishnagiri.

2. It is brought to the notice of the Court that Section 24 petition is pending in H.M.O.P.No.184 of 2021 and the husband is not maintaining either his wife or his minor daughter.

3. In these circumstances, interest of Justice would be subserved if the petition filed by the husband in HMOP No.184 of 2021 is transferred to the file of the Family Court, Manargudi to be tried along with HMOP No.183 of 2021. A direction is issued to the Family Court Judge not to take up the main petition till such time as the maintenance petition is disposed of by the Court after hearing the parties.



4. In view of the above circumstances, Transfer Civil Miscellaneous Petition is allowed and H.M.O.P. No.184 of 2021, pending on the file of the Additional Sub Court, Hosur, Krishnagiri District is withdrawn and transferred to the file of the Family Court, Mannargudi to be tried along with H.M.O.P.No.183 of 2021. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar(CS-IV)

//True Copy//

Sub Assistant Registrar

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To

1.The Judge,
The Family Court,
Mannargudi.

2.The Additional Subordinate Judge,
Hosur, Krishnagiri

+1cc to Mr.V.R.Appaswamee, Advocate, S.R.No.13145

+1cc to Mr.M.Vijayaragavan, Advocate, S.R.No.12883

Tr.CMP.No.967 of 2021
and
C.M.P.No.21522 of 2021

MT(CO)
RVM(25/03/2022)