



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14.02.2022

CORAM

THE HONOURABLE MS. JUSTICE P.T.ASHA

Tr.C.M.P.No.990 of 2021

&

C.M.P.No.21766 of 2021

S.Anitha

...Petitioner

Vs

S.Navinkumar

...Respondent

Prayer: Transfer Civil Miscellaneous Petition is filed under Section 24 of the Code of Civil Procedure to withdraw the case in H.M.O.P.No.88 of 2021 pending before the Sub Court, Tirupattur and the same may be transferred to the Sub Court, Uthangarai for Joint trial with the case in H.M.O.P.No.115 of 2021 pending on the file of the Sub Court, Uthangarai.

For Petitioner : Mr.M.Jayachandran

For Respondent : No Appearance

ORDER

The above petition is filed seeking transfer of the proceedings filed by the husband for divorce from the file of the Subordinate Court, Tirupattur to the Subordinate Court, Uthangarai to be tried jointly with H.M.O.P.No.115 of 2021 filed by the wife for restitution of conjugal rights.

2.The respondent though served has not entered appearance. His name has also appeared in the cause list.

3.The transfer is sought for on the ground that the petitioner is residing at Uthangarai and her two children are living with her and travelling to Tirupattur would be difficult for her. That apart, the petitioner's parents are taking care of her needs as her husband has not cared to maintain the wife and her two children. The petitioner wife is still attempting to rejoin her husband is evident from the fact that she has filed a petition for restitution of conjugal rights before the Subordinate Court, Uthangarai.

4.In these circumstances, in order to avoid multiplicity of proceedings and conflicting order it would be in the interest of



Justice to withdraw H.M.O.P.No.88 of 2021 pending on the file of the Subordinate Court, Tirupattur to be tried along with H.M.O.P.No.115 of 2021 on the file of the Subordinate Court, Uthanagarai.

WEB COPY

5. Accordingly, the Transfer Civil Miscellaneous Petition is allowed. Consequently, connected Civil Miscellaneous Petition is closed. No costs.

Sd/-

Assistant Registrar(CS-I)

//True Copy//

Sub Assistant Registrar

kan

To

1.The Subordinate Judge, Tirupattur.

2.The Subordinate Judge, Uthanagarai.

+1cc to M/s.M.Jayachandran, Advocate, S.R.No.9410

Tr.C.M.P.No.990 of 2021

PMK(CO)

RGA(07/03/2022)