



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 01.03.2022

CORAM

WEB COPY

THE HONOURABLE MRS.JUSTICE S. ANANTHI

Tr.C.M.P (MD) .No.568 of 2021 and
CMP (MD) .No. 10210 of 2021

1.P.Jenefa
2.M.Prabakaran Jeyaseelan
3.P.Anandhavalli .. Petitioners / Respondents

Vs.

P. Balasubramanian @ Samuvelpaul .. Respondent / petitioner

Prayer: This Transfer CMP is filed under Section 24 CPC to withdraw IDOP.No.137 of 2020 on the file of the Additional District Court, Tenkasi, Tenkasi District and transfer the same to the Principal District Court, Thoothukudi, Thoothukudi District and tried along with the petition in IDOP.No.18 of 2021 on the file of Principal District Court, Thoothukudi, Thoothukudi District.

For Petitioners : Mr.S. T. Sasidharan Tamilkani

For respondent : Mr.M. Shema Daniel

ORDER

The petitioners / respondents filed this Transfer CMP to transfer the IDOP.No.137 of 2020, on the file of the Additional District Court, Tenkasi, Tenkasi District to to the Principal District Court, Thoothukudi, Thoothukudi District and tried along with IDOP.No.18 of 2021 on the file of Principal District Court, Thoothukudi, Thoothukudi District.

2. Heard the learned counsel appearing on either side and perused the material available on record.

3. The respondent / husband filed IDOP.No.137 of 2020 for restitution of conjugal rights. In this case only summon was served and the trial not yet commenced. The 1st petitioner / wife filed a divorce petition in IDOP.No.18 of 2021 and in the said case already PW.1 and PW.2 were examined.



4. Since the 1st petitioner / wife is residing at Tuticorin, this Court is inclined to allow this petition. Accordingly, the Transfer CMP is allowed and the IDOP.No.137 of 2020 pending on the file of the Additional District Court, Tenkasi, Tenkasi District is withdrawn and transferred to the file of the Principal District Court, Thoothukudi, Thoothukudi District to be tried along with the petition in IDOP.No.18 of 2021 on the file of Principal District Court, Thoothukudi, Thoothukudi District. Additional District Court, Tenkasi, Tenkasi District is directed to transmit the papers to the file of the Principal District Court, Thoothukudi, Thoothukudi, forthwith.

5. The learned Principal District Judge, Tuticorin is directed to try the IDOP.No.137 of 2020 as simultaneously along with IDOP.No.18 of 2021. But, in IDOP.No.18 of 2021 already PW.1 and PW.2 were examined, at this stage, the case may be continued. However, the learned counsel appearing for the respondent denied all the allegations.

No costs. Consequently, the connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (AS)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

trp

To

1. The Additional District Judge,
Tenkasi, Tenkasi District.

2. The Principal District Judge,
Thoothukudi, Thoothukudi District.

+1 CC to M/s.S.T.SASIDHARAN TAMILKANI, Advocate (SR-9582[F] dated 02/03/2022)

+1 CC to M/s.M.SHEMA DANIEL, Advocate (SR-9168[F] dated 01/03/2022)

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