



Tr CMP (MD) No. 694 of 2022

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 07.03.2023

CORAM:

THE HONOURABLE MR.JUSTICE C.SARAVANAN

Tr.C.M.P.(MD) Nos.694 & 695 of 2022

and

CMP(MD)Nos.11047 &11051 of 2022

Tr.C.M.P.(MD) No.694 of 2022

P.Anitha

... Petitioner/Petitioner/Wife

-VS-

Rama Shanmugam

... Respondent/Respondent/Husband

PRAYER: Transfer Civil Miscellaneous Petition is filed under Section 24 of the Code of Civil Procedure, to withdraw and transfer the HMOP.No.146 of 2012 on the file of Subordinate Judge, Uthamapalayam to the Sub Court, Pollachi.

For Petitioner : Mr.P.Manonmani

For Respondent : Mr.K.Guhan

Tr.C.M.P.(MD) No.695 of 2022

P.Anitha

... Petitioner/Respondent/Wife

-VS-

Rama Shanmugam

... Respondent/Petitioner/Husband

PRAYER: Transfer Civil Miscellaneous Petition is filed under Section 24 of the Code of Civil Procedure, to withdraw and transfer the HMOP.No.122 of 2012 on the file of Subordinate Judge, Uthamapalayam to the Sub Court, Pollachi.



WEB COPY

Tr CMP (MD) No. 694 of 2022

For Petitioner : Mr.P.Manonmani
For Respondent : Mr.K.Guhan

COMMON ORDER

These 2 Transfer Civil Miscellaneous Petition have been filed by the petitioner, who is the respondent in HMOP.No.122 of 2012 and the petitioner in HMOP.No.146 of 2012. HMOP.No.122 of 2012 has been filed by the husband for divorce. HMOP.No.146 of 2012 has been filed by the petitioner for restitution of conjugal rights.

2.The specific case of the petitioner is that the petitioner had requested for joint trial in both the HMOPs. However, it was refused. Therefore, the petitioner herein has filed HMCMA.No.11 of 2017 for reopening the evidence.

3.These Transfer Civil Miscellaneous Petitions have been opposed by the respondent/husband on the ground that the trial is complete in both the cases and the cases were listed for argument on 08.12.2022. At this stage, the present Transfer Civil Miscellaneous Petitions have been filed.



WEB COPY

Tr CMP (MD) No. 694 of 2022

4.The learned counsel for the respondent filed extract of the Court proceedings from the Court web-site, which indicates that the case was listed for argument on various dates and the case was last listed on 09.01.2023 for argument. There is no merit in the applications filed by the petitioner at this stage, particularly, when the case was listed for argument after commencement of trial.

5.Considering the above, both the Transfer Civil Miscellaneous Petitions are dismissed. No costs. Consequently, the connected miscellaneous petitions are closed. The Trial Court is directed to hear out the parties and pronounce final judgment and decree in HMOP.Nos.122 & 146 of 2012 preferably within a period of six months from the date of receipt of a copy of this order.

07.03.2023

NCC : Yes / No
Internet : Yes / No
Index : Yes / No

dss



WEB COPY



Tr CMP (MD) No. 694 of 2022

C.SARAVANAN, J.

dss

To:

1.The Subordinate Judge,
Uthamapalayam.

2. The Sub Court,
Pollachi.

Order made in
Tr.C.M.P.(MD) Nos.694 & 695 of 2022
and
CMP(MD)Nos.11047 &11051 of 2022

Dated:

07.03.2023