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Tr.C.M.P.No.280 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.04.2024

CORAM

THE HON'BLE MR.JUSTICE V. LAKSHMINARAYANAN

Tr.C.M.P.No.280 of 2024 and
C.M.P.No.5790 of 2024

Anandhababu ... Petitioner
Vs

Dhivya ... Respondent

Prayer : Petition filed under Section 24 of the Code of Civil Procedure praying to withdraw the case in H.M.O.P.No.56 of 2023 which is pending on the file of the Subordinate Court, Salem and transfer the same to the Subordinate Court, Rasipuram, Namakkal District.

For Petitioner : Mr.M.Karthik

For Respondent : Mr.S.Kousik

ORDER

This petition seeks to withdraw H.M.O.P.No.56 of 2023 on the file of the Subordinate Court at Salem and to transfer it to the file of the Subordinate Court at Rasipuram.

2. The petitioner is the husband and the respondent is the wife. The husband has initiated H.M.O.P.No.63 of 2023 for divorce before the Subordinate Court at Rasipuram. The wife has initiated H.M.O.P.No.56



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of 2023 for restitution of conjugal rights and that is pending before the Subordinate Court at Salem.

3. The husband states that he is residing at Rasipuram. He submits that if the case in H.M.O.P.No.56 of 2023 pending on the file of Sub Court, Salem is transferred to the file of the Sub Court at Rasipuram, there is a possibility that the proceedings will be jointly disposed of expeditiously. Per contra, learned counsel appearing for the respondent submits that Salem Town is closer to the wife than Rasipuram and therefore, the respondent/wife would want the proceedings to be retained at Salem itself.

4. There is no dispute on the relationship between the parties. One seeks restitution of conjugal rights and the other seeks divorce. Since there is a distinct possibility of conflicting judgments in the proceedings, it is better that both the proceedings are heard by one learned Judge.

5. Taking into consideration that Salem is closer to Valapadi where the respondent/wife is residing, I am inclined to withdraw H.M.O.P.No.63 of 2023 pending on the file of the Sub Court at



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Rasipuram and transferred the same to the file of the Sub Court at Salem to be heard and disposed of along with H.M.O.P.No.56 of 2023.

6. Accordingly, the Tr.C.M.P. stands allowed. No costs.
Consequently, connected miscellaneous petition is closed.

25.04.2024

Index : Yes/No

Neutral Citation : Yes/No

Sgl

To

1.The Subordinate Court,
Salem.

2.The Subordinate Court,
Rasipuram,
Namakkal District.



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V. LAKSHMINARAYANAN, J.

Sgl

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