



WEB COPY



Tr.C.M.P.No.403 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.04.2024

CORAM

THE HON'BLE MR.JUSTICE V. LAKSHMINARAYANAN

Tr.C.M.P.No.403 of 2023

and

C.M.P.No.8825 of 2023

S.Rajalakshmi

... Petitioner

Vs

S.Thillaiappan

Respondent

...

Prayer : Petition filed under Section 24 of the Code of Civil Procedure praying to withdraw the H.M.O.P.No.298 of 2022 from the file of the Principal Sub Court, Tiruchirapalli and transfer the same to the file of the Sub Court, Tambaram to be tried along with H.M.O.P.No.229 of 2022.

For Petitioner : Mr.A.Arulmozhi

For Respondent : Mr.G.Vadivel

ORDER

The present transfer petition seeks for transfer of the proceedings in H.M.O.P.No.298 of 2022 from the file of the Principal Subordinate Judge, Tiruchirapalli to the file of the Subordinate Court at Tambaram.



Tr.C.M.P.No.403 of 2023

WEB COPY

2. The husband and wife are already before the Court in H.M.O.P.No.229 of 2022. This petition was presented on 19.07.2022. To this petition, a counter was also filed on 23.08.2022. After having filed a counter before the Subordinate Judge at Tambaram, the husband has filed a petition for restitution of conjugal rights in November 2022 before the Subordinate Judge at Trichirapalli.

3. To avoid conflicting judgments, it is better that the divorce petition and the petition for restitution of conjugal rights are tried together. Further, the husband by filing a counter submitted to the jurisdiction of the Court at Tambaram. It is only thereafter he moves the Court in Tiruchirapalli.

4. Taking into consideration the overall circumstances, H.M.O.P.No.298 of 2022 is withdrawn from the Principal Sub Court at Tiruchirapalli and transferred to be heard along with H.M.O.P.No.229 of 2022 which is at the stage of enquiry.

5. The Tr.C.M.P. stands allowed. No costs. Consequently,



Tr.C.M.P.No.403 of 2023

connected miscellaneous petition is closed.

WEB COPY

05.04.2024

Index : Yes/No

Neutral Citation : Yes/No

Sgl
To

1.The Principal Sub Court,
Tiruchirapalli.

2.The Sub Court,
Tambaram.



WEB COPY



Tr.C.M.P.No.403 of 2023

V. LAKSHMINARAYANAN, J.

Sgl

Tr.C.M.P.No.403 of 2023

05.04.2024