



Tr.CMP.Nos.572 & 642 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 31.07.2024

CORAM

THE HONOURABLE MR.JUSTICE M.NIRMAL KUMAR

Tr.CMP.Nos.572 & 642 of 2024
and
C.M.P.Nos.12518 & 13759 of 2024

Tr.C.MP.No.572 of 2024

V.Saranya

... Petitioner

Vs.

1.D.Sathiyaseelan

2.Bakyya

... Respondents

PRAYER: Transfer Civil Miscellaneous Petition filed under Section 24 of Civil Procedure Code to withdraw and transfer H.M.O.P.No.55 of 2023 pending on the file of the Subordinate Court, Tirukovilur, Kallakurichi District to Family Court, Villupuram to be tried with H.M.O.P.No.121 of 2023

For Petitioner : Mr.R.Mohan

For R1 : Mr.K.Prabakar

For R2 : Mr.P.Elumalai



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Tr.C.MP.No.642 of 2024

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D.Sathiyaseelan

... Petitioner

Vs.

1.V.Saranya

2.Bakyya

... Respondents

PRAYER: Transfer Civil Miscellaneous Petition filed under Section 24 of Civil Procedure Code to withdraw H.M.O.P.NO.55 of 2023 pending on the file of the Subordinate Court, Tirukoilur and transfer the same to the Family Court, Villupuram with a direction for joint trial of the same, along with the petition for divorce pending n H.M.O.P.No.121 of 2023 on the file of the Family Court, Villupuram.

For Petitioner : Mr.K.Prabakar

For R1 : Mr.R.Mohan

For R2 : Mr.P.Elumalai

ORDER

Tr.C.M.P.No.572 of 2024 is filed by the petitioner/wife to transfer the H.M.O.P.No.55 of 2023 filed by the respondent/husband seeking restitution



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of conjugal rights from the file of the Sub Court, Tirukovilur to the file of the Family Court, Villupuram to be tried along with H.M.O.P.No.121 of 2023

2.Tr.C.M.P.No.642 of 2024 is filed by the husband to transfer H.M.O.P.No.55 of 2023 from the file of the Sub Court, Tirukovilur to the file of the Family Court, Villupuram to be tried along with H.M.O.P.No.121 of 2023

3.The contention of the learned counsel for the petitioner is Tr.CMP.No.572 of 2024 is that marriage between the petitioner and the first respondent was solemnized on 24.08.2022 at Tirupathi Thirumalai Devasthanam. But within a few days of marriage, there arose some misunderstanding between the petitioner and the first respondent, as a result they were separated. The first respondent and his family members demanded more dowry and tortured the petitioner both physically and mentally. All efforts by the elders in the family went in vain. During the marriage, 37 sovereigns of gold jewels along with silver and other



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household articles were presented as sridhana. At present, the petitioner is working in District Registrar Office, Villupuram. Further, the petitioner filed a divorce petition in H.M.O.P.No.121 of 2023 before the Family Court, Villupuram. In the meantime, the first respondent/husband filed a petition in H.M.O.P.No.55 of 2023 before the Subordinate Court, Thirukoilur, Kallakurichi District seeking restitution of conjugal rights. Further, it is difficult for the petitioner to travel from Villupuram to Thirukoilur to attend the hearing. Hence, she prays for transfer of H.M.O.P.No.55 of 2023 from the file of the Subordinate Court, Thirukoilur to the file of the Family Court, Villupuram to be tried along with H.M.O.P.No.121 of 2023.

4.The contention of the learned counsel for the first respondent/petitioner in Tr.C.M.P.No.642 of 2024 is that he has no objection for transferring the proceedings in H.M.O.P.No.55 of 2023 to the file of the Family Court, Villupuram. His only request is that both the cases are to be tried jointly and disposed of as early as possible.



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5.Considering the submissions made and on perusal of the materials, it is seen that with great difficulty, the petitioner is travelling all the way from Villupuram to Thirukoilur to attend the Court proceedings. Added to it, the petitioner is working in Villupuram and hence, she could not travel from Thirukoilur to Villupuram to attend the Court proceedings. Further, the respondent has no objection for transfer H.M.O.P.No.55 of 2024 to the Family Court, Villupuram where H.M.O.P.No.121 of 2023 filed by the wife seeking divorce is pending.

6.In view of the same, this Court withdraws H.M.O.P.No.55 of 2023 from the file of the Subordinate Court, Thirukoilur and transfer the same to the file of the Family Court, Villupuram to be tried along with H.M.o.P.No.121 of 2023. The Family Court, Villupuram is directed to try both cases together and dispose of H.M.O.P.No.55 of 2023 and H.M.O.P.No.121 of 2023 within a period of four months from the date of receipt of a copy of this order.



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7. Accordingly, the Transfer Civil Miscellaneous Petitions are allowed. No costs. Consequently, connected Civil Miscellaneous Petitions are closed.

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To

1.The Subordinate Court,
Thirukoilur,
Kallakurichi District.

2.The Family Court,
Villupuram.



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M.NIRMAL KUMAR, J.

cse

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