



Tr.C.M.P.No. 668 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 20.09.2024

CORAM

THE HONOURABLE Mr. JUSTICE V.LAKSHMINARAYANAN

Tr.C.M.P.No. 668 of 2024

&

C.M.P.No.14483 of 2024

Jeyajothi.K

...Petitioner

Vs.

Muralikrishnan.M

...Respondent

Prayer: Petition is filed under Section 24 of the Code of Civil Procedure to transfer H.M.O.P.No.27 of 2022 from Udumalpet Sub Court to Sub Court II, Coimbatore and merge it with R.C.R case No.OP 255 of 2023.

For Petitioner : Jeyajothi.K
(party-in-person)

For Respondent : Mr.Parthasarathy.



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ORDER

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Heard party-in-person and Mr.Parthasarathy for the respondent.

2. The petitioner is the wife. She married the respondent on 23.11.2012. From the wedlock, two female children were born to the couple. Thereafter, due to disputes and differences, the parties separated. The husband initiated H.M.O.P.No.27 of 2022 seeking divorce on the grounds of cruelty and desertion before the Subordinate Court, Udumalpet. Thereafter, the wife initiated petition for restitution of conjugal rights in H.M.O.P.No.255 of 2023 on the file of the II Additional Subordinate Court, Coimbatore.

3. Pleading that there should not be a conflicting judgement between the two proceedings, the wife has moved this petition.

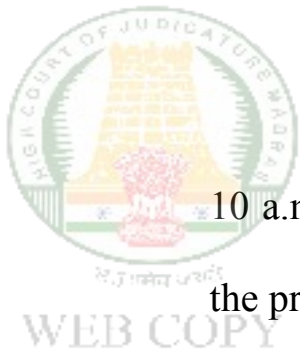
4. Notice was ordered in this petition on 18.07.2024 and Mr.Parthasarathy entered appearance for the respondent / husband.



5. One being a petition for restitution of conjugal rights and other being a petition for divorce, interest of justice requires both the proceedings should be heard together and disposed of by a common order. Furthermore, the wife being a resident of Coimbatore would find it convenient to contest the proceedings at Coimbatore itself rather than to travel from Coimbatore to Udumalpet.

6. Apart from that, the husband being a permanent resident of Tiruppur, he would find it easier to travel to Coimbatore rather to his native place, Udumalpet for the purpose of contesting the proceedings.

7. During the course of this Transfer Civil Miscellaneous Petition, the parties agreed that in terms of the order passed by the Subordinate Judge, Udumalpet in I.A.No.140 of 2023 dated 06.01.2024, the wife would have an access to the children on alternate Sundays and would also be entitled to make Video calls to talk to the children. As a beginning to the said arrangement, the mother met the children at the food court in Brookefield Mall on 15.09.2024, between



10 a.m and 1 p.m. This arrangement shall continue till the disposal of the proceedings between the parties.

8. To make it abundantly clear, the petitioner / wife will be entitled to have company of the children on second and fourth Sundays of every month between 10 a.m to 1 p.m., at food court in “Brookefield Mall” or such other public places convenient to both parties. Apart from that, the wife will be entitled to talk to her children by making video calls on every Tuesday and Thursday, between 8 p.m, to 8.30 p.m.

9. Mr.Parthasarathy states that his client is agreeable to this arrangement. He seeks for expeditious disposal of the proceedings. The plea seems to be reasonable. The learned II Additional Subordinate Judge, Coimbatore, shall take note of the fact that the proceedings initiated by the husband is at the stage of P.W.1 cross examination and shall give expedition to the matter.



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10. The Transfer Civil Miscellaneous petition is allowed with the above observation. Consequently, the connected miscellaneous petition is closed. No costs.

20.09.2024

Index : Yes/No
Internet : Yes/No
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To
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1.The II Additional Subordinate Judge,
Coimbatore.

2.The Subordinate Judge,
Udumalpet



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V.LAKSHMINARAYANAN, J.

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