



Tr.C.M.P.No.662 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.09.2024

CORAM :

THE HON'BLE MR.JUSTICE V.LAKSHMINARAYANAN

Tr.C.M.P.No.662 of 2024
and C.M.P.No.14353 of 2024

Gowri .. Petitioner

Versus

Gopal .. Respondent

Prayer : Transfer Civil Miscellaneous Petition is filed under Section 24 of the Code of Civil Procedure, 1908, to withdraw the case in H.M.O.P.No.114 of 2022 on the file of the Subordinate Court, Rasipuram, Namakal District and the same may be transferred to the Subordinate Judge at Poonamallee, Tiruvallur district to try the same as joint trial with the case in H.M.O.P.No.310 of 2024 filed by the petitioner herein and pending before the Sub-Court, Poonamallee.

For Petitioner : Mr.Sai Narayanavasan,
for Mr.V.R.Appaswamee

For Respondent : Mr.R.Govindasamy

ORDER



Tr.C.M.P.No.662 of 2024

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The petitioner is the wife. She married the respondent on 28.11.2001. From the wedlock, a girl was born on 23.11.2005. The child is now aged about 19 years and she is undergoing her Engineering course at Apollo Engineering College at Chennai. Alleging that the respondent did not behave in the matrimony as he ought to have, the wife separated from him. The husband initiated H.M.O.P.No.114 of 2022 for divorce. She has, in turn, initiated H.M.O.P.No.310 of 2024 on the file of Subordinate Court at Poonamallee. The wife would plead that due to gynecological problems, she is unable to travel from Chennai to Rasipuram to contest the proceedings. Hence, this petition.

2. Notice was ordered in the application on 18.07.2024 and Mr.R.Gowndasamy entered appearance on behalf of the respondent. Mr.R.Gowndasamy would stiffly oppose the petition stating that it is an abuse of process of law and the wife has filed the petition for restitution only for the purpose of transfer.

3. The ground, on which the petitioner pleads transfer is that she is suffering from gynecological problems and is not in a position to undertake



Tr.C.M.P.No.662 of 2024

WEB COPY

travel from Chennai to Rasipuram. It is seen from the records that the petitioner is taking care of a college going child who is aged about 19 years. It would not be possible for a mother to leave 19 year old girl at Chennai and regularly travel for the purpose of taking care of the litigation. Furthermore, the petition for restitution of conjugal rights is already pending before the Subordinate Court at Poonamallee in H.M.O.P.No.310 of 2024. Interest of justice requires that a divorce petition and conjugal rights petition are heard and disposed of by the same learned Judge.

4. Taking into consideration the aforesaid circumstances, I am inclined to accept the petition. The petition in H.M.O.P.No.114 of 2022, on the file of the Subordinate Court, Rasipuram is withdrawn and transferred to the file of the Subordinate Court, Poonamallee.

5. The learned Judge shall club H.M.O.P.No.114 of 2022, on its transfer, along with H.M.O.P.No.310 of 2024 and dispose of the same by a common order.



Tr.C.M.P.No.662 of 2024

WEB COPY

6. The learned Counsel for the respondent states that there is a possibility of settlement by mediation. In case, the learned Subordinate Judge sees that such possibility exists, he shall refer the parties to mediation.

7. With the above directions, this Transfer Civil Miscellaneous Petition stands allowed. No costs. Consequently, connected miscellaneous petition is closed.

06.09.2024

Index : yes/no
Speaking order/Non-speaking order
Neutral Citation : yes/no
grs

To

1. The Subordinate Judge,
Rasipuram, Namakkal district.
2. The Subordinate Judge,
Poonamallee, Tiruvallur district.



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Tr.C.M.P.No.662 of 2024

V.LAKSHMINARAYANAN, J.

grs

Tr.C.M.P.No.662 of 2024
and C.M.P.No.14353 of 2024

06.09.2024