



Tr.CMP.No.675 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.04.2024

CORAM:

THE HONOURABLE Mr.JUSTICE V.LAKSHMINARAYANAN

Tr.CMP.No.675 of 2023
and CMP.No.16581 of 2023

R.Kokilavani

... Petitioner / Respondent

Vs

N.Manikandan

... Respondent / Petitioner

Prayer : Transfer Civil Miscellaneous Petition filed under Section 24 of Civil Procedure Code praying to transfer the H.M.O.P.No.9 of 2023 pending on the file of the Sub Court, Bhavani to the file of Sub Court, Omalur, and to be tried along with H.M.O.P.No.72/2023.

For Petitioner : Ms.Samhita Srinivas
for Ms.Rukmani Venugopalan

For Respondent : Mr.Uma Shankar
for Mr.M.Guruprasad



Tr.CMP.No.675 of 2023

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ORDER

The petitioner seeks transfer of HMOP.No.9 of 2023 pending on the file of Sub Court, Bhavani to the file of Sub Court, Omalur, to be heard and tried along with HMOP.No.72 of 2023.

2. The petitioner is the wife and the respondent is her husband. The marriage between them was solemnised on 12.07.2020. Soon thereafter, the petitioner had delivered a girl child on 01.11.2021. Subsequently, the relationship between the petitioner and her husband soured, constraining the petitioner to move back to her paternal home at Bhavani. Sometime in 2023, the respondent had initiated H.M.O.P.No.9/2023 on the file of Sub Court, Bhavani, for dissolution of their marriage. Immediately on service of summons, the petitioner filed H.M.O.P.No.72/2023 before Sub Court, Omalur, seeking for restitution of conjugal rights.

3. The grievance of the petitioner is that she is living at the expense of her father, who is a farmer earning a meager sum, and she is having a baby of



Tr.CMP.No.675 of 2023

two years old, and she finds it difficult to travel to Bhavani to attend the court proceedings. Hence, she has filed this petition seeking transfer of HMOP.No.9 of 2023 pending on the file of Sub Court, Bhavani to the file of Sub Court, Omalur, to be heard and tried along with HMOP.No.72 of 2023.

4. Heard Ms.Samhita Srinivasa for the petitioner and Mr.Uma Shankar for the respondent.

5. There is a possibility of conflicting orders in these two HMOPs and therefore, both the cases have to be heard and disposed of together. I now have to find out whether the proceedings continuing before the Sub Court, Bhavani would prejudice the interest of the petitioner. As premised, the petitioner is attending her two year old girl child, whose life is now left under her care and therefore, she cannot be made to run from pillar to post to attend the court proceedings at Bhavani.

6. Taking into consideration the overall circumstances, despite the valiant objections raised by Mr.Uma Shankar, I am constrained to overrule the same and accede to the prayer of the petitioner. Accordingly,



Tr.CMP.No.675 of 2023

HMOP.No.9/2023 on the file of Sub Court, Bhavani, will stand transferred to Sub Court, Omalur, to be heard and tried along with HMOP.No.72/2023 now pending on its file.

7. In fine, the petition in Tr.CMP.No.675 of 2023 stands allowed. No costs. Consequently, connected miscellaneous petition is closed.

04.04.2024

Index:Yes/No

Internet:Yes/No

Speaking order/Non-speaking orders

To:

1.The Sub Judge
Bhavani.

2.The Sub Judge
Omalur.

3.The Section Officer
VR Section, High Court, Madras.



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Tr.CMP.No.675 of 2023

V.LAKSHMINARAYANAN,J.

ds

Tr.CMP.No.675 of 2023

04.04.2024