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Tr.CMP.No.1050 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.06.2024

Coram

THE HON'BLE MR JUSTICE V. LAKSHMINARAYANAN

Tr.CMP No.1050 of 2023

and

CMP.No.25346 of 2023

Saranya

... Petitioner

-Versus-

Aravind

... Respondent

Transfer Civil Miscellaneous Petition filed under Section 24 of C.P.C. seeking to withdraw the petition in H.M.O.P.No 25 of 2022 from the file of the Sub-ordinate Judge, at Kangeyam Tiruppur District and to transfer the same to the Sub-Judge, Mettupalayam.

For Petitioner : *Ms.J.Franklin*

For Respondent : *Ms.K.Megala for*
Mr.N.Manokaran

ORDER

The petitioner and the respondent married at Karamadai on 09.11.2018.



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The wife had alleged that after marriage, the husband was with her only for five days, and he left for the United States. Due to disputes and differences between the parties, they are litigating before the court.

2. The wife has initiated HMOP.No.108 of 2020 on the file of the Subordinate Court at Mettupalayam, seeking restitution of conjugal rights. After having entered appearance in this proceeding, the husband has initiated HMOP.No. 25 of 2022 on the file of the Subordinate Court at Kangeyam, seeking divorce. The distance between Kangeyam and Mettupalayam is around 200 km to and fro. The husband is litigating the matter by appointing a power of attorney. There is no dispute that he is residing in the United States.

3. The wife having knocked the doors of the court at least two years earlier than the husband, I would go by the priority and take into account the convenience of the wife. Furthermore, there should not be any conflict of judgments in the proceedings initiated by the husband and wife. Fitness of things demand that both the proceedings are heard by one court and disposed of. Accordingly, HMOP.No.25 of 2022 is withdrawn from the file of the Subordinate Judge at Kangeyam and is transferred to the file of the Subordinate



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Judge at Mettupalayam to be heard and tried along with HMOP.No.108 of

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4. With the above direction, this transfer civil miscellaneous petition is allowed. No costs. Consequently, the connected miscellaneous petition is closed.

18.06.2024

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Index : Yes/No

Speaking Order/Non-speaking order

Neutral Citation : yes/No

To

1. The Sub-ordinate Judge, at Kangeyam Tiruppur District
2. The Sub-Judge, Mettupalayam.



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V.LAKSHMINARAYANAN, J.

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