



Tr.CM.P.No.1223 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17.04.2024

CORAM:

THE HONOURABLE MR.JUSTICE V.LAKSHMINARAYANAN

Tr.C.M.P.No.1223 of 2023

and

C.M.P.No.29184 of 2023

R.Venkataraman

.. Petitioner

Vs.

S.Anusha

.. Respondent

Prayer: This Transfer Civil Miscellaneous Petition is filed under Section 24 of the Civil Procedure Code to withdraw the restoration of Conjugal right petition in H.M.O.P.No.207 of 2023 on the file of the Sub Court, Kumbakonam, Thanjavur District and transfer to be tried along with H.M.O.P.No.750 of 2023 on the file of the Sub Court, Ambathur.

For Petitioner : Mr.K.Alayappan

For Respondent : Mr.K.Sudhakar



Tr.CM.P.No.1223 of 2023

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ORDER

The present petition seeks to transfer H.M.O.P.No.207 of 2023 on the file of the Sub Court, Kumbakonam, to be tried along with H.M.O.P.No.750 of 2023 on the file of the Sub Court, Ambathur

2. The husband and wife got married on 07.02.2020 at Kumbakonam. Thereafter, they set up their matrimonial home at Chennai. From the wedlock, a child was born on 25.11.2021. Due to matrimonial differences, the wife has returned to Kumbakonam and the parties are meeting only in Court.

3. The wife has filed H.M.O.P.No.207 of 2023 seeking restitution of conjugal rights before the Sub-Court at Kumbakonam. Subsequently the husband has moved H.M.O.P.No.750 of 2023 on the file of the Sub-Court, Ambattur. Immediately the wife moved a transfer petition in transfer (MD) No.582 of 2023. The Madurai Bench of this Court entertained the petition and granted interim stay of proceedings by an order dated 04.12.2023. Without disclosing the fact that the Madurai Bench of this Court has



Tr.CM.P.No.1223 of 2023

entertained the transfer petition, a fresh transfer petition has been filed before this Court on 18.12.2023 seeking for transfer of proceedings from Kumbakonam to Ambattur.

4. Mr.K.Alayappan, the learned counsel for the petitioner would submit that the petitioner / husband is suffering from back pain and therefore he is unable to travel to Kumbakkonam. On the ground that his parents are suffering from Varicose veins, he would state that the case pending before the Sub Court, Kumbakonam must be transferred to Sub Court, Ambattur, Chennai.

5. In a transfer matter, while I have to deal with the respective rights of parties, I have to give precedence to the rights of the wife. Apart from that, in this case the wife is taking care of her 1 ½ year old child. She has moved this Court first in Tr.C.M.P.(MD) No.582 of 2023. In suppression of those proceedings, the present transfer petition has been filed.

6. Taking into consideration of the overall circumstances, I am inclined



Tr.CM.P.No.1223 of 2023

to withdraw H.M.O.P.No.750 of 2023 from the file of the Sub-Court at Ambattur and transfer the same to the file of the Sub-Court at Kumbakkonam to be heard and tried along with H.M.O.P.No.207 of 2023. The reason for the clubbing of the cases is that the subject matter of the dispute is one and the same and there should be no conflict of judgment.

6. With the above directions, this Transfer Civil Miscellaneous Petition is disposed. No costs. Connected miscellaneous petition is closed.

17.04.2024

Index : Yes / No
Neutral Citation : Yes / No
Speaking Order / Non-speaking order
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Tr.CM.P.No.1223 of 2023

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To

1. The Sub-Court, Kumbakkonam
2. The Sub-Court at Ambattur.



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Tr.CM.P.No.1223 of 2023

V.LAKSHMINARAYANAN, J.

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Tr.C.M.P.No.1223 of 2023

17.04.2024