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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.07.2019

CORAM :

THE HONOURABLE MR. JUSTICE T.RAJA

Tr.C.M.P.No.464 of 2019

and

C.M.P.No.13120 of 2019

V.Subashini

... Petitioner/ Petitioner

Vs.

M.Radhakrishnan

... Respondent/ Respondent

Prayer:- Petition has been filed under Section 24 of C.P.C., praying to withdraw O.P.No.4068 of 2018, pending on the file of the V Additional Judge, Family Court, Chennai, and transfer the same to the file of the Sub-Court, Tambaram, to be tried along with H.M.O.P.No.287 of 2019

For Petitioner : Mr.V.Chandrakanthan

For Respondent : Ms.D.Premila

O R D E R

The present Transfer Civil Miscellaneous Petition is filed to withdraw H.M.O.P.No.4068 of 2018 on the file of the learned V Additional Judge, Family Court, Chennai, and to transfer the same to the file of the learned Sub-Court, Tambaram, where H.M.O.P.No.287 of 2019 filed by the respondent/wife seeking restitution of conjugal rights is pending.

2. The petitioner is the wife and the respondent is the husband. The above said H.M.O.P.No.4068 of 2018 was filed by the respondent/husband on the file of the learned V Additional Judge, Family Court, Chennai, seeking for divorce.

3. When the matter was taken up on 25.06.2019, this Court, while issuing notice to the respondent/husband, directed both the parties to appear before me to resolve the issue amicably. Accordingly, they have appeared before me today, but, the respondent/husband is not ready for reunion.



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4. It is submitted by the learned counsel for the petitioner/wife that the petitioner is having a four year old child in her custody, therefore, it is not feasible for her to travel for a longer period of time. Besides, it is submitted that the case filed by the petitioner/wife in H.M.O.P.No.287 of 2019 seeking restitution of conjugal rights is pending before the learned Sub-Court, Tambaram, therefore, if the case filed by the husband is transferred, both the cases can be taken up together for final disposal.

5. In view of the above, considering the fact that the petitioner/wife is having a four year old child in her custody, this Court is inclined to allow the prayer for transfer. Accordingly, O.P.No.4068 of 2018 filed by the husband is withdrawn from the file of the learned V Additional Judge, Family Court, Chennai, and consequently, transferred to the file of the learned Sub-Court, Tambaram, to be tried along with the case filed by the wife in H.M.O.P.No.287 of 2019. On such transfer, the learned Sub-Court, Tambaram, shall dispose of both the cases together in the manner known to law as expeditiously as possible.

6. With the above direction, the present Transfer Civil Miscellaneous Petition is allowed. Consequently, connected C.M.P.No.13120 of 2019 is closed.

Sd/-

Assistant Registrar(CS)

//True Copy//

Sub Assistant Registrar

rkm

To

- 1.The V Additional Judge, Family Court, Chennai.
- 2.The Subordinate Judge , Tambaram.

+1cc to Mr. V.Chandrakanthan, Advocate SR.No. 56356

Tr.C.M.P.No.464 of 2019
and
C.M.P.No.13120 of 2019

A.SK(31/07/2019)