

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.03.2021

CORAM

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

Tr.C.M.P.No.44 of 2021

C.M.P.No.1838 of 2021

Dr.M.Rajesh

..Petitioner/Respondent

vs.

Dr.K.Abirami

...Respondent/Petitioner

PRAYER : Transfer CMP is filed under Section 24 of the Civil Procedure Code, to withdraw the H.M.O.P.No.162 of 2020 on the file of the Family Court, Mannarkudi and transfer the same to the file of the IV Additional Family Court, Chennai to be tried jointly along with H.M.O.P.No.1473 of 2020.

For Petitioner:Mr.M.L.Ramesh

For Respondent:No-appearance

O R D E R

The petition is filed to withdraw the H.M.O.P.No.162 of 2020 on the file of the Family Court, Mannarkudi and transfer the same to the file of the IV Additional Family Court, Chennai to be tried jointly along with H.M.O.P.No.1473 of 2020.

2. The marriage between the petitioner and the respondent was solemnized on 06.06.2019 as per the Hindu Rites and Customs. On account of misunderstanding, the petitioner and the respondent are living separately. The learned counsel appearing for the petitioner states that the petitioner/husband filed H.M.O.P.No.1473 of 2020 before the IV Additional Family Court, Chennai for dissolution of Marriage. Thereafter, the respondent/wife filed H.M.O.P.No.162 of 2020 before the Family Court, Mannarkudi for restitution of conjugal rights. It is contended that both the petitioner and the respondent are the Doctors and the petitioner is residing in Thiruvanmiyur and the respondent is residing at Madipakkam. In view of the fact that the respondent/wife is residing at Madipakkam, in order to harass the petitioner, she filed a petition for restitution before the Family Court, Mannarkudi. To establish the address of the respondent, the petitioner filed a copy of the reply sent by the respondent to the petitioner in letter dated 19.02.2020, in typed set of papers. In the said letter, the respondent has

stated her address as Plot.No.332, F4, First floor, Sapphire Nest, Vallal Kaari Street, Madipakkam, Chennai-92. Through the letter, it is established that the respondent is also residing at Madipakkam, Chennai.

3. Under these circumstances, no prejudice would be caused in the event of transferring the case before the Court at Chennai and it would be convenient for both the parties to conduct the case effectively. Thus, H.M.O.P.No.162 of 2020 now pending before the Family Court, Mannarkudi stands transferred to the IV Additional Family Court, Chennai to be tried along with H.M.O.P.No.1473 of 2020. Accordingly, the Transfer Civil Miscellaneous Petition stands allowed. No costs. Consequently, connected miscellaneous petition is also closed.

-s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

ssb
To

1.The IV Additional Judge,
Family Court, Chennai

2.The Judge,
Family Court, Mannarkudi

+1 CC to Mr.M.L.Ramesh, Advocate sr 18362.

Tr.CMP.No.44 of 2021

VBM(CO)
SP(26/03/2021)

सत्यमेव जयते

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