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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.08.2021

CORAM:

THE HONOURABLE MR.JUSTICE A.A.NAKKIRAN

Tr.C.M.P.No.171 of 2021
and C.M.P.No.5185 of 2021

R.Gowri

...Petitioner

Vs.

U.Prasanna

...Respondent

Prayer: This Petition filed under Section 24 of the Code of Civil Procedure seeking to withdraw and transfer H.M.O.P.No.196 of 2020 pending on the file of the learned Family Court at Thiruchirapalli to the learned Sub Court, Alandur for trying the case along with H.M.O.P.268 of 2020.

For Petitioner : Mr.S.N.Subramani

For Respondent : No appearance

O R D E R

(The case has been heard through video conference)

The present Transfer Civil Miscellaneous Petition is filed to withdraw the H.M.O.P.No.196 of 2020 on the file of the Family Court, Thiruchirapalli and transfer the same to the file of the Subordinate Court, Alandur for having joint trial along with H.M.O.P.No.268 of 2020 pending on the file of the Subordinate Court, Alandur.

2. The petitioner/wife has filed H.M.O.P.No.268 of 2020 before the Sub Court, Alandur for restitution of conjugal rights. The respondent/husband has filed H.M.O.P.No.196 of 2020 before the Family Court, Thiruchirapally for the relief of divorce.

3. The learned counsel for the petitioner/wife submitted that the petitioner is living with the support of her aged parents along with her two year old child at Chennai. In such circumstances, she finds it is very difficult to travel from Chennai to Thiruchirapally for attending every hearing in H.M.O.P.No.196 of 2020 on the file of the Family Court,



Thiruchirapally. It is further stated that the respondent/husband is also working in Chennai.

4. Today, when the matter is taken up for hearing, there is no representation on behalf of the respondent either in person or through counsel.

5. This Court considered the arguments made by the learned counsel for the petitioner.

6. This Court is satisfied with the reasons stated in the affidavit filed in support of this petition. Further, since two cases are pending from two different Courts i.e., the wife filed a petition for restitution of conjugal rights and the husband filed an application for divorce, to avoid multiplicity of proceedings and conflicting judgements, both the cases have to be tried before a single Judge.

7. Considering the facts and circumstances of the case and considering the submission made by the learned counsel for the petitioner, H.M.O.P.No.196 of 2020 is withdrawn from the file of the Family Court, Thiruchirapalli and transferred to the file of the Subordinate Court, Alandur to be tried along with H.M.O.P.No.268 of 2020 for disposal as per law. The learned Judge, Family Court, Thiruchirapalli, is directed to transmit the papers to the Subordinate Court, Alandur forthwith. The learned Subordinate Judge, Alandur is directed to dispose H.M.O.P.No.196 of 2020 along with H.M.O.P.No.268 of 2020 on merits and in accordance with law as expeditiously as possible.

8. In fine, this petition is allowed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

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To

1. The Judge,
Family Court, Thiruchirapalli.

2. The Subordinate Judge,
Alandur.



+1 CC to Mr.S.N.Subramani, Advocate, Sr.No. 38744.

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LS(01/09/2021)

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