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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.06.2021

CORAM:

THE HONOURABLE Mr. JUSTICE S.S.SUNDAR

Tr.C.M.P. No.264 of 2021

and

C.M.P. No.7028 of 2021

Keerthi (A) Keerthivasan

.. Petitioner

Vs

Deepika

.. Respondent

Transfer Civil Miscellaneous Petition filed under Section 24 of Civil Procedure Code, to withdraw H.M.O.P. No.63 of 2020 pending on the file of the Family Court, Salem and transfer the same to the file of Family Court, Villupuram to be tried and disposed along with H.M.O.P. No.56 of 2020 or Family Court, Villupuram and order joint trial / disposal of the proceedings in the above two cases.

For Petitioner

: Mr.R.Sreenivasan Kirubakaran

For Respondent

: No appearance

O R D E R

This transfer civil miscellaneous petition is filed to withdraw H.M.O.P. No.63 of 2020 pending on the file of the Family Court, Salem and transfer the same to the file of Family Court, Villupuram to be tried and disposed of along with H.M.O.P. No.56 of 2020.

2. Despite notice being served on the respondent and her name is printed in the cause list, there is no representation on behalf of the respondent.

3. The respondent wife filed a petition for divorce in H.M.O.P. No.56 of 2020 before the Family Court, Villupuram. Whereas the petitioner husband filed a petition for restitution of conjugal rights in H.M.O.P. No.63 of 2020 before the Family Court, Salem. The petitioner filed this present transfer



petition for withdrawal of H.M.O.P. No.63 of 2020 pending before the Family Court, Salem, and transferring the same to the file of Family Court, Villupuram, so that it can be tried and disposed of along with H.M.O.P. No.56 of 2020. Since the petitioner now seeks transfer of the case filed by him to the Court in which the respondent wife has already filed a petition for divorce, this Court is of the view that the transfer will also be in the interest of respondent.

4. Having regard to the averments made by the petitioner and considering the facts and circumstances of the case, this Court is fully convinced that the transfer sought by the petitioner is in the interest of both parties and the respondent wife may not have any grievance for transfer of the case to Family Court, Villupuram. Accordingly, H.M.O.P. No.63 of 2020 pending on the file of the Family Court, Salem, is hereby withdrawn and transferred to the file of Family Court, Villupuram, to be tried and disposed of along with H.M.O.P. No.56 of 2020, pending on the same file.

5. This transfer civil miscellaneous petition is allowed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS-VIII)

//True Copy//

Sub Assistant Registrar

bkn

To

1.The Family Court, Villupuram

2.The Family Court, Salem.

+1cc to Mr.R.S.Kirubakaran, Advocate, S.R.No.28672

Tr. C.M.P. No.264 of 2021

UM(CO)  
SB(19/07/2021)