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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.08.2021

CORAM :

THE HONOURABLE MR.JUSTICE A.A.NAKKIRAN

Tr.C.M.P.No.362 of 2021
and C.M.P.No.8526 of 2021

G.Pireethi

...Petitioner

Vs.

J.Jagan

...Respondent

Prayer: This Petition filed under Section 24 of the Code of Civil Procedure seeking to withdraw the case in H.M.O.P.No.68 of 2018, on the file of the Principal Sub Court at Cuddalore and to transfer the same to the file of the Family Court at Pondicherry to be tried along with H.M.O.P.No.348 of 2019, on the file of the Family Court at Pondicherry.

For Petitioner : Mr.D.Senthilkumaar

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.68 of 2018 on the file of the Principal Sub Court, Cuddalore and transfer the same to the file of the Family Court, Puducherry for having joint trial along with H.M.O.P.No.348 of 2019 pending on the file of the Family Court, Puducherry.

2. The petitioner/wife has filed H.M.O.P.No.68 of 2018 before the Principal Sub Court, Cuddalore to declare the marriage as not valid and voidable. The respondent/husband has filed H.M.O.P.No.348 of 2019 before the Family Court, Puducherry for restitution of conjugal rights.

3. The learned counsel for the petitioner/wife submitted that the petitioner is residing at Puducherry and now she finds it very difficult to travel from Puducherry to Cuddalore for



attending every hearing in H.M.O.P.No.68 of 2018 on the file of the Principal Subordinate Court, Cuddalore.

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 to declare the marriage as not valid and voidable and the husband filed an application for restitution of conjugal rights, 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of the case and considering the submission made by the learned counsel for the petitioner, H.M.O.P.No.68 of 2018 is withdrawn from the file of the Principal Subordinate Court, Cuddalore and transferred to the file of the Family Court, Puducherry to be tried along with H.M.O.P.No.348 of 2019 for disposal as per law. The learned Principal Subordinate Judge, Cuddalore, is directed to transmit the papers to the Family Court, Puducherry forthwith. The learned Judge, Family Court, Puducherry is directed to dispose H.M.O.P.No.68 of 2018 along with H.M.O.P.No.348 of 2019 on merits and in accordance with law as expeditiously as possible.

8. The personal appearance of both parties before the Family Court, Puducherry, is dispensed with, except the dates of hearing, on which, the learned Judge insisted upon the parties to appear before the Court. On other hearing dates, the counsel on behalf of the parties may appear before the Court.

9. In fine, this Transfer Civil Miscellaneous Petition is allowed. Consequently, the connected miscellaneous petition is closed. No costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar



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To

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1. The Principal Subordinate Court,
Cuddalore.
2. The Family Court,
Puducherry.

+1cc to Mr.D.Senthil Kumar, Advocate, S.R.No.39976

+1cc to Mr.S.B.Viswanathan, Advocate, S.R.No.39849

Tr.C.M.P.No.362 of 2021
and C.M.P.No.8526 of 2021

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NSK 08/09/2021