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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.08.2021

CORAM:

THE HONOURABLE MR.JUSTICE A.A.NAKKIRAN

Tr.C.M.P.No.402 of 2021

and

C.M.P.No.9388 of 2021

[Through video conferencing]

Tmt.K.Devikala

... Petitioner

-vs-

M.Vishnuvardhanaraj

... Respondent

PRAYER: Transfer Civil Miscellaneous Petition is filed under Section 24 of the Code of Civil Procedure, to withdraw and transfer the H.M.O.P.No.631 of 2020 pending on the file of the Family Court at Thoothukudi to be jointly tried along with H.M.O.P.No.1686 of 2020 pending before the V Additional Family Court, Chennai.

For Petitioner : Ms.R.A.Shinusha
For Respondent : No appearance

O R D E R

The present Transfer Civil Miscellaneous Petition is filed to withdraw and transfer the H.M.O.P.No.631 of 2020 pending on the file of the Family Court at Thoothukudi to be jointly tried along with H.M.O.P.No.1686 of 2020 pending before the V Additional Family Court, Chennai.

2.The respondent/husband has filed H.M.O.P.No.631 of 2020 before the Family Court at Thoothukudi for divorce. The petitioner/wife has filed H.M.O.P.No.1686 of 2020 before the V Additional Family Court at Chennai for divorce.

3.The learned counsel for the petitioner/wife submitted that the petitioner is residing at Chennai with her parents and working in Sree Balaji Hospital, Chrompet, Chennai and she is taking care of the corona affected patients. In this circumstance, she finds it very difficult to travel from Chennai to Thoothukudi for attending the Court on every hearing in H.M.O.P.No.631 of 2020 on the file of the Family Court, Thoothukudi.



4. There is no representation for the respondent either in person or his counsel.

5. Heard the learned counsel for the petitioner and perused the materials available on record.

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 and husband filed a petitions for divorce, to avoid multiplicity of proceedings and conflicting judgments, both the cases have to be tried together 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of the case and considering the submission made by the learned counsel for the petitioner, H.M.O.P.No.631 of 2020 is withdrawn from the file of the Family Court at Thoothukudi and transferred to the file of the V Additional Family Court at Chennai to be tried along with H.M.O.P.No.1686 of 2020 for disposal as per law. The learned Family Judge, Thoothukudi, is directed to transmit the papers to the V Additional Family Court, Chennai forthwith. The learned V Additional Family Judge, V Additional Family Court, Chennai is directed to dispose of H.M.O.P.No.631 of 2020 along with H.M.O.P.No.1686 of 2020 on merits and in accordance with law as expeditiously as possible.

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

Sd/-

Assistant Registrar(CS III)
//True Copy//

Sub Assistant Registrar

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To:

1. The Judge,
The Family Court, Thoothukudi.

2. The Judge,
The V Additional Family Court,
Chennai.

+1CC to Mr.D.Selvam, Advocate, Sr.No.42352

Tr.C.M.P.No.402 of 2021
and C.M.P.No.9388 of 2021

GJ (CO)

K.RK. (17.09.2021)