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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.08.2021

CORAM:

THE HONOURABLE MR.JUSTICE A.A.NAKKIRAN

Tr.C.M.P.No.403 of 2021
and
C.M.P.No.9389 of 2021

[Through video conferencing]

G.Ramya ...Petitioner/Respondent

-vs-

Dinakaran (alias) M.Dhinesh ...Respondent/Petitioner

PRAYER: Transfer Civil Miscellaneous Petition is filed under Section 24 (1) of the Code of Civil Procedure, to order for withdraw and transfer of M.O.P.No.609 of 2019 pending on the file of the Family Court, Puducherry to the Family Court at Villupuram for joint trial along with H.M.O.P.No.52 of 2020.

For Petitioner : Mr.M.V.Seshachari

For Respondent : No appearance

O R D E R

The present Transfer Civil Miscellaneous Petition is filed to withdraw and transfer of M.O.P.No.609 of 2019 pending on the file of the Family Court, Puducherry to the Family Court at Villupuram for joint trial along with H.M.O.P.No.52 of 2020.

2.The petitioner/wife has filed H.M.O.P.No.52 of 2020 before the Family Court at Villupuram for divorce. The respondent/husband has filed M.O.P.No.609 of 2019 before the Family Court at Puducherry for restitution of conjugal rights.

3.The learned counsel for the petitioner/wife submitted that the petitioner is residing at Villupuram and she finds it very difficult to travel from Villupuram to Puducherry for attending the Court on every hearing in M.O.P.No.609 of 2019 on the file of the Family Court, Puducherry.



4. There is no representation for the respondent.

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

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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 divorce and the husband filed an application for restitution of conjugal rights, 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of the case and considering the submission made by the learned counsel for the petitioner, M.O.P.No.609 of 2019 is withdrawn from the file of the Family Court at Puducherry and transferred to the file of the Family Court at Villupuram to be tried along with H.M.O.P.No.52 of 2020 for disposal as per law. The learned Family Judge, Puducherry, is directed to transmit the papers to the Family Court, Villupuram forthwith. The learned Family Judge, Villupuram is directed to dispose M.O.P.No.609 of 2019 along with H.M.O.P.No.52 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(CO)

//True Copy//

Sub Assistant Registrar

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To:

1. The Family Court, Puducherry.
2. The Family Court, Villupuram.

+1cc to Mr.M.V.Seshachari, Advocate, S.R.No.41232

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VG-II (CO)
RGA(16/09/2021)