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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.10.2021

CORAM:

THE HONOURABLE MRS.JUSTICE S.KANNAMMAL

Tr.C.M.P.No.444 of 2021

and

C.M.P.No.11696 of 2021

[Through video conferencing]

B.Divya

... Petitioner

-vs-

C.Yuvaraj

... Respondent

PRAYER: Transfer Civil Miscellaneous Petition is filed under Section 24 of the Code of Civil Procedure, to withdraw and transfer the original petition in F.C.O.P.No.1720 of 2021 from the file of the learned V Additional Family Court Judge at Chennai to be tried along with H.M.O.P.No.82 of 2021 on the file of the learned Subordinate Judge at Ranipet.

For Petitioner : Mr.S.Amarnath

For Respondent : Mr.J.Jawahar

ORDER

The present Transfer Civil Miscellaneous Petition is filed to withdraw and transfer the original petition in F.C.O.P.No.1720 of 2021 from the file of the learned V Additional Family Court Judge at Chennai to be tried along with H.M.O.P.No.82 of 2021 on the file of the learned Subordinate Judge at Ranipet.

2.The respondent/husband has filed F.C.O.P.No.1720 of 2021 before the V Additional Principal Family Court Judge at Chennai for divorce and the petitioner/wife has filed H.M.O.P.No.82 of 2021 before the Subordinate Court at Ranipet for restitution of conjugal rights.

3.The learned counsel for the petitioner/wife submitted that the petitioner is residing with her parents home at Ranipet along with her son. The distance between Ranipet and Chennai is around 130 Kms. He would submit that she has no source of income and she is depending on her parents for her day to day expences. Moreover,



the petitioner is being a lady she is facing serious physical, mental and financial problem and in this circumstances she finds it very difficult to travel alone from Ranipet to Chennai for attending the Court on every hearings in F.C.O.P.No.1720 of 2021. Therefore, on the ground of convenience, she seeks to transfer the case in F.C.O.P.No.1720 of 2021 from the file of the V Additional Principal Family Court Judge at Chennai to the file of the Subordinate Court at Ranipet to be tried along with H.M.O.P.No.82 of 2021 pending on the file of the learned Subordinate Judge, Ranipet.

4.The learned counsel for the respondent/husband has no objection for transferring of the case in F.C.O.P.No.1720 of 2021 from the file of the V Additional Principal Family Court Judge at Chennai to the file of the Subordinate Court at Ranipet.

5.Heard the learned counsel on either side 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 filed a petition for restitution of conjugal rights and the husband filed an application for divorce, to avoid multiplicity of proceedings and conflicting judgments, 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 on either side, F.C.O.P.No.1720 of 2021 is withdrawn from the file of the V Additional Principal Family Court Judge, Chennai and transferred to the file of the learned Subordinate Judge, Ranipet to be tried along with H.M.O.P.No.82 of 2021 for disposal as per law. The learned V Additional Principal Family Court Judge, Chennai is directed to transmit the papers to the file of the Subordinate Court, Ranipet, forthwith. The learned Judge, Subordinate Court at Ranipet is directed to dispose of the case in F.C.O.P.No.1720 of 2021 along with H.M.O.P.No.82 of 2021 on merits and in accordance with law as expeditiously as possible.

8.The personal appearance of both parties before the Subordinate Court, Ranipet is dispensed with, except on the dates of hearing, on which, the learned Judge insists 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. No costs. Consequently, connected miscellaneous petition is closed.

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-SD/-
Assistant Registrar

True Copy

Sub-Assistant Registrar

To:

1. The V Additional Principal Family Court,
Chennai.

2. The Subordinate Judge,
Ranipet.

Tr.C.M.P.No.444 of 2021
and C.M.P.No.11696 of 2021

AK-II(CO)
TP (20/10/2021)