



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.11.2021

CORAM:

THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN

TR CMP No.471 of 2021
and
CMP No.12540 of 2021

R.Anitha @ Varsha

...Petitioner

Vs

M.Rumeshkumar

...Respondent

Prayer: Transfer Civil Miscellaneous Petition filed under Section 24 of the Code of Civil Procedure, 1908, pleased to withdraw HMOP No.3014 of 2020 before the Principal Family Court, Chennai and transfer the same to the file of the Subordinate judge, Poonamallee for being tried along with HMOP No.351 of 2020.

For Petitioner : Mr.M.Marimuthu

For Respondent : Ms.C.Shyamala

O R D E R

The wife seeks transfer of HMOP No. 3014 of 2020 pending on the file of the Principal Family Court, Chennai to the Sub Court, Poonamallee to be tried along with HMOP No.351 of 2020.

2. HMOP No.3014 of 2020 has been filed by the husband seeking restitution of conjugal rights before the Family Court, Chennai. HMOP No.351 of 2020 has been filed by the wife seeking divorce before the Sub Court, Poonamallee. If these two petitions are allowed to proceed with in different Courts, there is a possibility of conflicting judicial verdicts. Considering the convenience of the wife and the fact that her petition in HMOP No.351 of 2020 is pending on the file of the Sub Court, Poonamallee, HMOP No. 3014 of 2020 is withdrawn from the file of the Principal Family Court, Chennai and transferred to the Sub Court, Poonamallee to be decided in accordance with law.

3. Ms.C.Shyamala, learned counsel appearing for the husband



would submit that the wife has filed a maintenance case in M.C.No.1 of 2021 before the Judicial Magistrate II at Thiruvallur and a Domestic Violence case has been filed by her before the Additional Mahila Court at Egmore in DVC No.26 of 2021. She would further submit that if the maintenance case is transferred to the Judicial Magistrate, Poonamallee, it will be convenient to the husband to appear and contest all the proceedings.

4. Mr.M.Marimuthu, learned counsel appearing for the petitioner/wife has no objection for transferring the maintenance case from the file of the Judicial Magistrate II, Thiruvallur to the file of the Judicial Magistrate, Poonamallee.

5. In view of the submission made by the learned counsels, MC No.1 of 2021 is withdrawn from the file of the Judicial Magistrate II, Thiruvallur and transferred to the Judicial Magistrate, Poonamallee. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

vum

To

1. The Principal Family Court, Chennai.
2. The Sub Court, Poonamallee
3. The Judicial Magistrate II, Thiruvallur.
4. The Judicial Magistrate, Poonamallee.

+1cc to M/s.M.Marimuthu, Advocate, S.R.No.60612

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CP(CO)
RGA(03/12/2021)