



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.12.2021

CORAM:

THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN

TR.CMP.NO.490 OF 2021

AND

CMP.NO.13249 OF 2021

Srinandhini

..Petitioner

Vs.

A.Prabhakaran

..Respondent

Prayer:

Transfer civil miscellaneous petition filed under Section 24 of CPC, seeking to withdraw HMOP.No.12 of 2021 pending on the file of the Sub-ordinate Court, Arni and transfer the same to the VII-Additional Family Court, Chennai along with pending case of OP.No.1766 of 2021.

For Petitioner : Mr.B.Viveka Vanan

For Respondent : No Appearance

O R D E R

The petitioner / wife seeks transfer of HMOP.No.12 of 2021 on the file of the Sub-Court, Arni to the VII-Additional Family Court, Chennai to be tried along with OP.No.1766 of 2021.

2.HMOP.No.12 of 2021 has been filed by the husband for restitution of conjugal rights and OP.No.1766 of 2021 has been filed by the wife, seeking divorce. There is also a maintenance case, which is filed by the wife is pending before the VII-Additional Family Court, Chennai. Proceedings being one for restitution and for divorce, they have to be tried together as trial in two different Courts would lead to a possibility of there being conflicting judicial wordings.



3.This transfer civil miscellaneous petition is allowed, HMOP.No.12 of 2021 pending on the file of the Sub-Court, Arni is withdrawn and transferred to the VII-Additional Family Court, Chennai to be tried along with OP.No.1766 of 2021. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

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To:-

1. The Subordinate Judge,
Arni.
2. The VII-Additional Judge,
Family Court,
Chennai.

+2ccs to Mr.B.Viveka Vanan, Advocate, SR.No.68607

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and
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KV(CO)
PM/06/01/2022