



TR CMP No.555 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17.11.2021

CORAM:

THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN

**TR CMP No.555 of 2021  
and CMP No.14566 of 2021**

S.Akilandeswari

... Petitioner

Vs

A.K.Balamurugan

... Respondent

**Prayer:** Transfer Civil Miscellaneous Petition filed under Section 24 of the Code of Civil Procedure, 1908, pleaded to withdraw and transfer the FCOP No.515 of 2018 pending before the Family Court, Salem to the Sub Court, Alandur to take up along with the HMOP No.367 of 2021 pending before the Sub Court, Alandur for disposal in accordance with law.

For Petitioner : Ms.C.Uma

For Respondent : No appearance



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**ORDER**

The wife seeks transfer of proceedings in FCOP No.515 of 2018 pending on the file of the Family Court, Salem to the Sub Court, Alandur to be heard along with HMOP No.367 of 2021 pending on the file of the said Court

2. The husband though served, has not chosen to appear before this Court either in person or through counsel duly instructed.

3. The FCOP No.515 of 2018 has been filed by the husband seeking divorce and HMOP No.367 of 2021 has been filed by the wife seeking restitution of conjugal rights. If both the proceedings are allowed to be held in two different Courts, there is definitely a possibility of conflicting of judicial verdicts. More over, the wife is shown to be a resident of Pammal and the husband is a resident of Ammapet in Salem.

4. Considering the distance between the two places and the fact that the proceedings in Salem is pending before the Family Court where the parties are required to be present in person for every hearing, I am of the



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opinion that the proceedings before the Family Court at Salem can be withdrawn and transferred to Sub Court, Alandur. The inconvenience caused to the husband would also be minimized as he would not have to appear for every hearing before the Sub Court.

5. In view of the above, this Transfer Civil Miscellaneous Petition is allowed. The proceedings in FCOP No.515 of 2018 on the file of the Family Court, Salem are withdrawn and transferred to Sub Court, Alandur to be tried and disposed of along with HMOP No.367 of 2021 pending on its file. No costs. Consequently, connected miscellaneous petition is closed.

**17.11.2021**

Index: Yes / No  
Speaking / Non-Speaking order  
vum

To

1. The Family Court, Salem.
2. The Sub Court, Alandur.

**R.SUBRAMANIAN, J.**

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