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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.02.2022

CORAM

THE HONOURABLE Ms. JUSTICE P.T.ASHA

Tr.C.M.P.No.134 of 2022

and

C.M.P.No.2724 of 2022

A.Saravanakumar ... Petitioner/Respondent/Petitioner

-Vs-

Vaishali ... Respondent/Petitioner/Respondent

PRAYER: Petition filed under Section 24 of the Code of Civil Procedure to withdraw and transfer the O.P.No.176 of 2021 on the file of the learned Principal District Judge, Vellore, and to be tried along with O.P.No.356 of 2021 filed by the petitioner on the file of the learned Principal Judge, Family Court, Chengalpattu.

For Petitioner : Mr.G.Saravanakumar

ORDER

The husband has filed this Transfer Civil Miscellaneous Petition, seeking to transfer the O.P.No.176 of 2021 filed by the wife for restitution of conjugal rights on the file of the learned Principal District Judge, Vellore, and to be tried along with O.P.No.356 of 2021 filed by the husband for divorce on the file of the learned Principal Judge, Family Court, Chengalpattu.

2.The petitioner would submit that the marriage between himself and the respondent had been solemnized on 26.04.2021 at "Hope A.G. Church", Pallikaranai, Chennai and the same was registered on 03.09.2019 at the office of the Registrar General of Birth, Death and Marriage, Chennai, as per the Christian Marriage Act. Out of wedlock, they had a girl child, namely, Serah Ann, aged about 1 year and 5 months.



3.The reasons given by the petitioner/husband for seeking the transfer are as follows:

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(a)The respondent had never lead a peaceful matrimonial life with the petitioner and the petitioner and the wife have separated each other for the past one year.

(b)The petitioner is now residing at Chennai. Since the native place of the respondent is Ranipet, her relatives will be gathered in the Court at the time of hearing giving sense of insecurity to the petitioner.

4.Heard the learned counsel appearing for the Petitioner.

5.It is seen from the records that since the matter is pending before the learned Principal District Judge, Vellore, the petitioner is not requiring to appear for every hearing before the Court. However, whenever she has to travel to attend the proceedings at Chengalpet (if the transfer is ordered) from Ranipet, she has not only to carry her child but also have somebody accompanying her to Vellore for the hearing.

On the contrary, since the proceedings are pending before the District Court the husband is not required to attend every hearing and is only required to attend counselling and for adducing evidence. Sufficient reasons for the transfer of the OP have not been provided by the petitioner. Hence, this Transfer Civil Miscellaneous Petition is dismissed. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar(CS-IX)

// True Copy //

Sub Assistant Registrar

mps

To

1.The Principal District Judge,  
Vellore.



2.The Principal District Judge,  
Chengalpet.

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PMK (CO)  
CB (12/04/2022)

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