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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.03.2022

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THE HONOURABLE MS. JUSTICE P.T.ASHA

Tr.CMP. No.321 of 2021
and
C.M.P.No.7709 of 2021

G.Priyadarshini ... Petitioner/Respondent

Vs

J.Tholkappiyan ... Respondent/Petitioner

PRAYER: Petition filed under Section 24 of the Code of Civil Procedure, to withdraw the FCOP No.142 of 2020 pending on the file of the Family Court, Chengalpattu and transfer the same to Subordinate Court, Kancheepuram and try along with the HMOP No.348 of 2019 pending on the file of the Subordiante Court, Kancheepuram by appreciating the above said facts.

For Petitioner : Mr.M.Guruprasad

For Respondent : Mr.A.Damodaran

ORDER

The respondent/wife in petition for divorce filed by the husband in F.C.O.P.No.142/2020 on the file of the Family Court, Chengalpattu is the petitioner before this Court. The petitioner seeks to withdraw F.C.O.P.No.142/2020 pending on the file of the Family Court, Chengalpattu and transfer the same to the Sub Court, Kancheepuram.

2. The respondent had originally entered appearance through counsel who had later presented to the Court that they have given a change of vakalat to the respondent informing him that the matter is pending before the Court. However, the respondent has not engaged the service of another counsel neither has he appeared before this Court. Therefore, this Court has proceeded to hear the petitioner and pass orders.

3. The petitioner has sought to have the proceedings transferred to the file of the Sub Court Kancheepuram, on the



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following grounds:

- a) She has filed an application for restitution of conjugal rights before the Sub Court Kancheepuram in HMOP No.348 of 2019.
- b) On the 1st hearing of the F.C.O.P.No.142/2020 before the Family Court Chengalpattu, the respondent had threatened her.
- c) The petitioner is residing at Kancheepuram and since the matter is now pending before the Family Court her presence for every hearing is required and therefore this is causing hardship to her as she has to travel from Kancheepuram to Chengalpattu.

The learned counsel for the petitioner would also make the above submissions and pray that the transfer petition be allowed.

4. Considering the fact that the petitioner has given compelling reasons for transferring the petition and also taking note of the fact that the petitioner has also instituted proceedings before the Sub Court at Kancheepuram, the Transfer Civil Miscellaneous Petition is allowed and F.C.O.P.No.142 of 2020 pending on the file of the Family Court at Chengalpattu is withdrawn and transferred to the file of the Sub Court Kancheepuram to be tried along with H.M.O.P.No.348/2019. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar (CS-IX)

//True copy//

Sub Assistant Registrar

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To

1. The Judge, Family Court, Chengalpattu.
2. The Sub Judge, Kancheepuram.

+1cc to Mr.M.Guruprasad, Advocate SR.No.14409

Tr.CMP. No.321 of 2021
and
C.M.P.No.7709 of 2021

PMK (CO)
GMY (25/03/2022)