



Tr.CMP.Nos.443 & 444 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : **24.06.2022**

CORAM

THE HONOURABLE Ms. JUSTICE R.N.MANJULA

TR.CMP.Nos.443 & 444 of 2022
and
CMP.Nos.8129 & 8137 of 2022

P.Kabilan	...	Petitioner
	Vs.	
R.Deepa	...	Respondent

COMMON PRAYER: The memorandum of Transfer Civil Miscellaneous Petitions filed under Section 24 of Civil Procedure Code, to withdraw the cases in HMOP.Nos.783 & 3020 of 2021 on the file of the Principal Judge, Family Court, Chennai and transfer the same to the file of the Sub court, Tirupattur, Tirupathur District.

In both cases

For Petitioner : Mr.P.S.Kothandaram

For Respondent : Mr.S.R.Sudharsan raj



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Tr.CMP.Nos.443 & 444 of 2021



COMMON ORDER

These petitions have been preferred to withdraw the cases in HMOP.Nos.783 & 3020 of 2021 on the file of the Principal Judge, Family Court, Chennai and to transfer the same to the file of the Sub court, Tirupatthur, Tirupathur District.

2. Heard the learned counsels on either side and perused the materials available on record.

3. The petitioner is the husband, who had filed an Original Petition in HMOP.No.83/2018 on the file of the Sub Court, Tirupathur, Tirupathur seeking for resolution of marriage. Subsequently a transfer petition was filed by the wife/respondent and the same was transferred to the file of the learned Principal Judge, Family Court, Chennai and got renumbered as HMOP.No.3020 of 2021 and assigned to the file of Vth Additional Family Court, Chennai. The respondent/wife has filed original petition in HMOP.No.783/2021 for restoration of conjugal rights. Since HMOP.No.783/2021 was pending on the file of the learned Principal Judge, Family Court, Chennai, the respondent/wife had filed a Transfer Civil



Miscellaneous Petition in Tr.CMP.No.34/2021 to transfer both the suits in HMOP.Nos.783 & 3020 of 2021 to transfer to the file of Principal Family Court Judge, Chennai for joint trial and the same was allowed. Now the petitioner/husband has once again filed this Transfer Civil Miscellaneous Petition to withdraw HMOP.No.3020/2021 from the file of the Principal Family Court Judge, Chennai and transfer it to the Sub Court, Tirupatthur.

4. The learned counsel for the petitioner submitted that due to Covid-19, the father of the respondent died and thereafter she got transferred to Ambur and hence, both the matters should be transferred to the Sub Court, Tirupatthur.

5. The respondent /wife objected to the above contention of the petitioner by stating that her job is transferable in nature and she would at any time call back to Chennai and she might be transferred anywhere.

6. Since she had engaged a counsel at Chennai and getting proper guidance and the case is also at the stage of trial, this would only cause further confusion. If the respondent/wife felt it convenient to get the case



transfer to Tirupattur in view of her alleged shifting, she herself would have filed the petition for Transfer petition. Considering the convenience of the wife, an order was passed in Tr.CMP.No.563/2020 for transferring HMOP.No.83/2018 from the file of the Sub Court, Tirupattur to the Principal Family Court, Chennai. (which is renumbered as 3020/2021). Under such circumstances, I find no reason for withdrawing the divorce petition filed by the wife at Chennai and transfer it to Thirupattur district.

Thus, these Transfer Civil Miscellaneous Petitions stand **dismissed**. No Costs. Consequently, connected Civil Miscellaneous Petitions are also closed. It is open to the petitioner to seek leave of the Court to appear through his counsel if he finds it inconvenient to make his personal appearance for any of the hearings.

24.06.2022

Index : Yes/No
Speaking Order : Yes / No
jrs

To



Tr.CMP.Nos.443 & 444 of 2022

1. The Principal Family Court, Chennai.

2. The Sub Court, Tirupatthur.

3. The Section Officer,
VR Section, Madras High Court,
Chennai.

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R.N.MANJULA, J.,

jrs

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