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Tr.CMP.No.489 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : **24.06.2022**

CORAM

THE HONOURABLE Ms. JUSTICE R.N.MANJULA

TR.CMP.No.489 of 2022

and

CMP.No.8876 of 2022

Mr.D.Shanmuga Sundaram ... Petitioner

Vs.

1.Chitra

2.Sakuntala Devi ... Respondents

PRAYER: The Memorandum of Transfer Civil Miscellaneous Petition filed under Section 24 of Civil Procedure Code, to withdraw the proceedings in D.V.C.No.40 of 2021 pending on the file of the XVI Metropolitan Magistrate Court, George Town, Chennai and to transfer the same to the III Additional Principal Family Court, Chennai, to be tried along with O.P.No.2211 of 2020.

For Petitioner : Mr.P.Udhayashankar

For Respondents : Mr.K.Kangadaran

ORDER

This petition is filed to withdraw the proceedings in D.V.C.No.40 of 2021 pending on the file of the XVI Metropolitan Magistrate Court, George



Town, Chennai and to transfer the same to the III Additional Principal Family Court, Chennai, to be tried along with O.P.No.2211 of 2020.

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

3. The petitioner is the husband and 1st respondent is the wife. The marriage between the petitioner and the 1st respondent was solemnized on 06.06.2019 as per Hindu rites and customs. Since, the relationship between the couples went bitter, the 1st Respondent/wife filed O.P.No.2211 of 2020 on the file of the III Additional Judge, Family Court, Chennai, against the petitioner seeking divorce. She had also filed a domestic violence case against the petitioner in DV.No.40/2021 which is pending on the file of the XVI Metropolitan Magistrate Court, Chennai. Now, the petitioner herein who is the husband has preferred the present petition to transfer the DVC.No.40 of 2021 from the file of the XVI Metropolitan Magistrate Court, Chennai to the file of the learned Judge, III Additional Family Court, Chennai to be tried along with O.P.No.2211 of 2020, which is filed by the respondent/wife.



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4. The petitioner/husband has stated that he is working as a pharmacist at Souther Railway Head Quarters Hospital, Ayanavaram, Chennai and it is very difficult for him to take frequent leaves to attend hearing before both the Courts on various different dates. Hence the petitioner filed this present petition to withdraw and transfer the DVC.No.40 of 2021 from the file of the XVI Metropolitan Magistrate Court, Chennai to the file of the learned Judge, III Additional Family Court, Chennai to be tried along with O.P.No.2211 of 2020.

5. In order to facilitate the parties to conduct both the cases in one Court and also considering the submission made by the learned counsel for the petitioner, I feel that this petition should be allowed.

6. Accordingly, the present Transfer Civil Miscellaneous Petition is allowed. The petition in D.V.C.No.40 of 2021 pending on the file of the XVI Metropolitan Magistrate Court, George Town, Chennai is ordered to be withdrawn and the same is transferred to the III Additional Principal Family Court, Chennai, to be tried along with O.P.No.2211 of 2020. The learned XVI Metropolitan Magistrate, George Town, Chennai, is directed to transmit



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all the records pertaining to D.V.No.40 of 2021 to the file of the III Additional Principal Family Court, Chennai, within a period of two weeks from the date of receipt of copy of this order. No costs. Consequently connected miscellaneous petition is closed.

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



To

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1. The III Additional Family Court, Chennai
2. The Family Court, Chengalpattu.
3. The Section Officer,
VR Section, Madras High Court,
Chennai.



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R.N.MANJULA, J.,

jrs

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