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Tr.C.M.P.No.534 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.12.2022

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

Tr.C.M.P.No.534 of 2022

and

C.M.P.No.9541 of 2022

Mr.G.T.Abinash @Vinodh

... Petitioner

Vs.

Mrs.V.Abinaya

... Respondent

Prayer: Transfer CMP is filed under Section 24 of the Civil Procedure Code, to withdraw the HMOP No.114 of 2022 pending on the file of the Sub-Court at Uthangarai and transfer the same to First Additional Family Court at Chennai where connected HMOP No.2287 of 2022 is pending.

For Petitioner

: M/s.C.Auxilia Peter

For Respondent

: Mr.K.Subramanian

For Mr.K.Thiruvengadam

ORDER

The petition for transfer is filed to withdraw the HMOP No.114 of 2022 pending on the file of the Sub-Court at Uthangarai and transfer the same to First Additional Family Court at Chennai, where connected HMOP No.2287 of 2022 is pending.



2. The marriage between the petitioner and the respondent was solemnised on 21.06.2021 as per the Hindu Rites and Customs. Due to misunderstanding, the petitioner and the respondent are living separately.

The respondent/wife has filed HMOP No.114 of 2022 for divorce on the file of the Sub-Court, Uthangarai. Per contra, the petitioner/husband filed H.M.O.P.No.2287 of 2022 for Restitution of Conjugal rights on the file of the I Additional Family Court, Chennai.

3. The learned counsel for the petitioner/husband states that the petitioner is having a business at Saidapet, Chennai and thus, the case is to be transferred. The address of the respondent/wife reveals that she is residing along with her parents at Uthangarai, Krishnagiri District.

4. Place of the wife is the preferred place for trying matrimonial dispute between the husband and wife. In the present case, the respondent/wife is residing along with her parents at Uthangarai, Krishnagiri District. It is not made clear, whether the respondent is employed in Krishnagiri District or not.



5. Considering the facts and circumstances, this Court is not inclined to consider the transfer petition.

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6. The learned counsel for the petitioner/husband states that the parties are willing to go for mutual consent for Dissolution of Marriage and in this regard, they have proposed to attend Mediations.

7. It is for them to initiate appropriate steps either to file mutual consent petition or to go for Mediation as the case may be. However, the transfer petition now filed need not be kept pending unnecessarily.

8. In view of the reasons stated, the Transfer Civil Miscellaneous Petition stands dismissed. No costs. Consequently, connected miscellaneous petition is closed.

19.12.2022

skr/kak

Index : Yes

Speaking order

To

1. The Judge,
Sub Court, Uthangarai.

2. The Judge,
I Additional Family Court, Chennai.



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S.M.SUBRAMANIAM, J.

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