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Tr.C.M.P.No.669 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17.11.2022

CORAM:

THE HONOURABLE Mr. JUSTICE S.SOUNTHAR

TR.C.M.P.No.669 of 2022

and

C.M.P.No.11230 of 2022

R.Nirmal

... Petitioner

Vs.

Sowmiya

... Respondent

PRAYER: Transfer Civil Miscellaneous Petition under Section 24 of Civil Procedure Code to withdraw and transfer O.P.No.281 of 2021 on the file of the Principal District Court, Chengalpet to be tried and heard along with O.P.No.2113 of 2022, on the file of the II Family Court, Chennai.

(Prayer is amended as per order dated 17.11.2022 in C.M.P.No.19565 of 2022 by SSJ)

For Petitioner : M/s.R.Poornima

For Respondent : M/s.P.Murali

ORDER

This transfer petition is filed by the petitioner/husband seeking transfer of the guardianship filed by the him in O.P.No.281 of 2021 from the file of the



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Principal District Court, Chengalpet to the file of the II Family Court, Chennai.

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2. According to the petitioner/husband, the respondent /wife already instituted a petition for divorce in O.P.No.2113 of 2022 on the file of the II Family Court, Chennai.

3. Issues involved in the petition for divorce filed by the respondent/wife and the petition filed by the petitioner/husband seeking guardianship are interlinked. Therefore both the O.Ps have to be tried together.

4. The learned counsel for the respondent has no serious objection for order the transfer.

5. The petitioner herein filed a petition seeking declaration of guardianship in respect of minor child. If the said petition filed by petitioner/husband and the petition for divorce filed by the respondent/wife are allowed to go on before two different Courts, there will be a likelihood of conflict of judicial verdicts. Hence in the interest of justice, these two cases shall be tried together in a same Court and therefore this Court is inclined to order the transfer petition as indicated below.



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6. Accordingly, this Transfer Civil Miscellaneous Petition is allowed. The petition filed in O.P.No.281 of 2021 pending on the file of the Principal District Court, Chengalpet is withdrawn and transferred to the file of the II Family Court, Chennai for joint trial along with O.P.No.2113 of 2022. No costs. Consequently, connected Civil Miscellaneous Petition is closed.

17.11.2022
(2/2)

Index: Yes/ No
Speaking Order / Non-Speaking Order
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To

1. The Principal District Court,
Chengalpet.
2. The II Family Court,
Chennai.



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S.SOUNTHAR, J.

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