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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.06.2022

CORAM:

THE HONOURABLE MRS.JUSTICE S.KANNAMMAL

TR.C.M.P.NO.553 OF 2021

R.Dhanalakshmi

... Petitioner

-vs-

R.Rajasekhar

... Respondent

Transfer Civil Miscellaneous Petition is filed under Section 24 (1) of the Code of Civil Procedure, to withdraw H.M.O.P.No.1598 of 2016 on the file of the II Additional Family Court, Chennai and transfer it to the file of the I Additional Family Court, Chennai to be tried along with H.M.O.P.No.3791 of 2014

For Petitioner : Mr.N.Karthikeyan
For Respondent : Mr.S.P.S.Muralidharan

ORDER

The present Transfer Civil Miscellaneous Petition is filed to withdraw and transfer of H.M.O.P.No.1598 of 2016 pending on the file of the II Additional Family Court, Chennai to the I Additional Family Court, Chennai for joint trial along with H.M.O.P.No.3791 of 2014.

2.The petitioner/wife has filed H.M.O.P.No.1598 of 2016 before the II Additional Family Court, Chennai for restitution of conjugal rights. The respondent/husband has filed H.M.O.P.No.3791 of 2014 before the I Additional Family Court, Chennai for divorce.

3.The learned counsel for the petitioner/wife submitted that both the parties are not willing for re-union and they are proposed to file a petition under Section 13B for mutual divorce. The petitioner/wife has filed a petition in H.M.O.P.No.1598 of 2016 before the II Additional Family Court, Chennai, for restitution of conjugal rights and the respondent/husband filed a petition in H.M.O.P.No.3791 of 2014 before the I Additional Family Court, Chennai, for divorce. Both the cases are pending before the respective Courts as stated



above. Therefore, the petitioner submitted that it would be in the interest of justice if both the petitions are tried in one Court i.e., the I Additional Family Court, Chennai.

4. Heard the learned counsel for the petitioner as well as the respondent and perused the materials available on record.

5. This Court is satisfied with the reasons stated in the affidavit filed in support of this petition. Further, to avoid multiplicity of proceedings and conflicting judgments, both the cases have to be tried together before a single Judge.

6. Considering the facts and circumstances of the case and considering the submission made by the learned counsels for the parties, H.M.O.P.No.1598 of 2016 is withdrawn from the file of the II Additional Family Court, Chennai and transferred to the file of the I Additional Family Court, Chennai to be tried along with H.M.O.P.No.3791 of 2014 for disposal as per law. The Judge, II Additional Family Court, Chennai is directed to transmit the papers to the Judge, I Additional Family Court, Chennai forthwith. The learned Judge, I Additional Family Court, Chennai is directed to dispose H.M.O.P.No.1598 of 2016 along with H.M.O.P.No.3791 of 2014 on merits and in accordance with law as expeditiously as possible.

7. In fine, this petition is allowed. No costs.

Sd/-

Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

gbi

To:

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

+1cc to Mr.N.Karthikeyan, Advocate, S.R.No.35571

Tr.C.M.P.No.553 of 2021

GPL(CO)
PM/28/06/2022