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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.04.2022

CORAM

THE HONOURABLE MS. JUSTICE P.T.ASHA

Tr.CMP. No.701 of 2021
and
C.M.P.No.17352 of 2021

S.Ashwani

...Petitioner

Vs

R.Rajesh

...Respondent

PRAYER: Petition filed under Section 24 of the Code of Civil Procedure, to withdraw the case in HCOP No.122 of 2021 pending on the file of Court of the Family Court at Mannarkudi and transfer the same to the file of the IVth Additional Family Court at Chennai to be tried along with HMOP No.2469 of 2019 and thus render justice.

For Petitioner : M/s S.Mohana Sundararajan
For Respondent : No appearance

ORDER

The respondent/wife in a petition for divorce filed by the husband on the file of the Family Court at Mannarkudi in H.M.O.P.No.122 of 2021 is the petitioner before this Court. The petitioner seeks to withdraw the above proceedings pending on the file of the Family Court at Mannarkudi and transfer the same to the file of the IV Additional Family Court at Chennai to be tried along with HMOP No.2469 of 2019.

2. The petitioner's reasons for seeking transfer is on the ground that it is very difficult for her to attend each and every hearing since the matter is pending before the Family Court where the presence of the petitioner for every hearing is mandatory. She would submit that her daughter, who is 10 years old is in her custody and is studying in Vth Standard at Donbosco Matriculation Higher Secondary School, MKB, Nagar, Chennai. The petitioner would further submit that she comes from an economically weaker section and she does not have the necessary wherewithal to meet out the huge travel expenses as



well as maintain herself and her daughter. Further she would submit that she has filed a petition in HMOP No.2469 of 2019 for the restitution of conjugal rights against the respondent which is pending before the IV Additional Family Court at Chennai.

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3. The respondent/husband though served has not entered appearance either in person or through counsel.

4. Heard the learned counsel for the petitioner/wife.

5. In order to avoid conflicting judgments and also taking into account the fact that the petition filed by the petitioner/wife is now pending on the file of the IV Additional Family Court at Chennai, interest of justice would be served if HMOP No.122 of 2021 pending on the file of the Family Court at Mannarkudi, transferred to the file of the IV Additional Family Court at Chennai to be tried along with HMOP No.2469 of 2019.

6. Consequently, the Transfer Civil Miscellaneous Petition is allowed as prayed for. No costs. Consequently, connected Miscellaneous Petition is closed.

s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

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To

- 1.The Family Court at Mannarkudi.
- 2.The IV Additional Family Court at Chennai.

+1 CC to M/s S.Mohana Sundararajan, Advocate sr 24235.

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MT (CO)
SP(13/05/2022)