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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.03.2022

CORAM

THE HONOURABLE MS.JUSTICE P.T.ASHA

TR.CMP.NO.611 OF 2021

AND

C.M.P.NO.15404 OF 2021

Uma Mageswari

... Petitioner/Respondent

Vs

J. Madhu

... Respondent/Petitioner

PRAYER: Petition filed under Section 24 of the Code of Civil Procedure, to order to withdraw the petition in H.M.O.P. NO. 114 of 2021 on the file of family court Dindugul Dindugul district and transfer the same to the file of VII Additional Family Court Chennai in lieu of the joint trial with the proceedings in H.M.O.P.No. 1944 of 2021 on the file of VII Additional family court Chennai.

For Petitioner : Mr.R.Ravichandran

For Respondent : No appearance

ORDER

The respondent/wife in a petition for divorce filed by the husband on the file of the Sub Court at Dindugul is the petitioner before this Court. The petitioner seeks to withdraw HMOP No.114 of 2021 pending on the file of the Family Court at Dindugul and transfer the same to the file of the VII Additional Family Court, Chennai, to be tried along with HMOP No.1944/2021.

2. The petitioner's reasons for seeking transfer are as follows:

The petitioner herein has filed a petition for divorce in HMOP No.1944 of 2021 which is pending on the file of the VII Additional Family Court, Chennai. The petitioner would further submit that she is working in Chennai and the distance between



her working place and the Sub Court at Dindugul is about 400 kilometers and it is a very long distance for her to travel for the hearing. Further she would also submit that subject matter of both the HMOPs are the same and the parties in both the proceedings being one and the same common evidence is to be taken in both the matters. There is a chance for conflicting judgments being passed, in case the above HMOPs are allowed to be tried in the different Courts.

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 VII Additional Family Court, Chennai, interest of justice would be served if HMOP No.114 of 2021 pending on the file of the Family Court at Dindugul, transferred to the file of the VII Additional Family Court, Chennai to be tried along with H.M.O.P.No.1944 of 2021.

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

Sd/-

Assistant Registrar(CS-III)

//True Copy//

Sub Assistant Registrar

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To

1. The Family Court at Dindugul.

2. The VII Additional Family Court, Chennai.

+1cc to Mr.R.Ravichandran, Advocate, S.R.No.17538

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SSD(CO)

RLP(04/04/2022)