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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.02.2022

CORAM

THE HONOURABLE MS.JUSTICE P.T.ASHA

TR.C.M.P.NO.635 OF 2021

&

C.M.P.NO.15920 OF 2021

P.Madhunika Sivakalai

... Petitioner

Vs

P.Vimal

... Respondent

Prayer: Transfer Civil Miscellaneous Petition is filed under Section 24 of the Code of Civil Procedure to withdraw H.M.O.P.No.131 of 2021 pending on the file of the Principal Subordinate Judge, Ponneri, and transfer the same to the file of the I Additional Judge, Family Court, Chennai.

For Petitioner : Mr.V.Kanagasundaram

For Respondent : No Appearance

ORDER

The wife who is the respondent in H.M.O.P.No.131 of 2021, pending on the file of the Principal Subordinate Court, Ponneri, is the petitioner before this Court. The petitioner wife has filed the above petition for transferring the said proceedings now pending on the file of the Principal Subordinate Court, Ponneri to the file of the I Additional Judge, Family Court, Chennai to be tried along with H.M.O.P.No.4952 of 2019. The petitioner has approached this Court seeking the transfer on the following grounds:

(a) The petitioner has earlier filed H.M.O.P.No.4952 of 2019, against her husband for a divorce on the grounds of adultery as also petition for maintenance in M.C.No.93 of 2006. The respondent



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has suppressed these facts in the proceedings in H.M.O.P.No.131 of 2021 filed by him on the file of the Principal Subordinate Court, Ponneri.

(b)The husband is also contesting the proceedings initiated by the wife on the file of the I Additional Family Court, Chennai.

(c)The petitioner has two school going daughters and she is also employed as a school Teacher. The husband has not taken any steps to maintain the children.

(d)Lastly, if the proceedings are pending before two different Courts there is a possibility of conflicting Judgements.

2. Having heard the learned counsel and perused the records, the reasons set out supra gives sufficient grounds for transferring the petition for restitution of conjugal rights filed by the respondent husband on the file of the Principal Subordinate Judge, Ponneri to the file of the I Additional Family Court, Chennai, to be tried along with H.M.O.P.No.4952 of 2019.

3. For the above reasons, the Transfer Civil Miscellaneous Petition stands allowed. Consequently, connected Civil Miscellaneous Petition is closed. No costs.

Sd/-

Assistant Registrar(CS-VII)

//True Copy//

Sub Assistant Registrar

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To

1. The Principal Subordinate Judge,
Ponneri.

2. The I Additional Family Court,
Chennai.

+2ccs to M/s.R.Divyaa, Advocate, S.R.No.10522

Tr.C.M.P.No.635 of 2021

GPL(CO)

RLP(09/03/2022)