



TR.CMP.No.863 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.09.2022

CORAM:

THE HONOURABLE MR.JUSTICE S.SOUNTHAR

TR.CMP.No.863 of 2022
and CMP.No.14998 of 2022

D.Balaji

... Petitioner

vs

V.Mohanalakshmi @ Deepika

... Respondent

Prayer: Transfer Civil Miscellaneous Petition is filed under Section 24 of Civil Procedure Code, pleaded to withdraw the O.P.No.328 of 2017 on the file of Principal Judge, Family Court, Chennai and transfer the same to the Subordinate Court, Thiruvotriyur to be tried along with the petition in H.M.O.P.No.262 of 2022 pending on the file of Subordinate Court, Thiruvotriyur.

For Petitioner : M/s.Srividhya Aravindan
For Respondent : Mr.U.Asalam

ORDER

The petitioner has come up with this transfer Civil Miscellaneous Petition, seeking transfer of the petition for divorce filed by him in O.P.No.328 of 2017 from the file of Principal Family Court, Chennai



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to the file of Subordinate Court, Thiruvotriyur for joint trial along with the petition for restitution of conjugal rights filed by the respondent/wife in H.M.O.P.No.262 of 2022 on the file of Subordinate Court, Thiruvotriyur.

2. The learned counsel for the respondent has no serious objection for allowing this transfer application.

3. The issues involved in the petition for divorce filed by the petitioner/husband and the petition for restitution of conjugal rights filed by the respondent/wife are one and the same. If these two proceedings initiated by the petitioner and respondent are allowed to go on separately, there is every likelihood of conflict of judicial verdicts. Therefore, in the interest of justice, both the cases have to be clubbed together.

3. Accordingly, the transfer Civil Miscellaneous Petition is allowed by withdrawing the O.P.No.328 of 2017, from the file of Principal Family Court, Chennai and transferring the same to the file of Subordinate Court, Thiruvotriyur for joint trial along with the petition for restitution of conjugal



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rights filed by the respondent in H.M.O.P.No.262 of 2022 No costs.

WEB.COM Consequently, connected miscellaneous petition is closed.

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Index : Yes / No

Internet : Yes / No

Speaking Order : Yes / No

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To

- 1.The Principal Family Court, Chennai.
- 2.The Subordinate Court, Thiruvotriyur.



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S.SOUNTHAR, J.

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