



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.06.2022

CORAM:

THE HONOURABLE MRS.JUSTICE S.KANNAMMAL

Tr.C.M.P.No.741 of 2021  
and C.M.P.No.17879 of 2021

R.Anupriya

...Petitioner

Versus

D.Raghu

...Respondent

Transfer Civil Miscellaneous Petition is filed under Section 24 (1) of the Code of Civil Procedure, to order for withdraw and transfer of H.M.O.P.No.3035 of 2018 pending on the file of the I Additional Family Court, Chennai to the Sub-Court at Thiruvallur for joint trial along with H.M.O.P.No.8 of 2019.

For Petitioner : Mr.S.Conscious Ilango

For Respondent : Mr.S.Rajendran

ORDER

The present Transfer Civil Miscellaneous Petition is filed to withdraw and transfer of H.M.O.P.No.3035 of 2018 pending on the file of the I Additional Family Court, Chennai to the Sub-Court, Thiruvallur for joint trial along with H.M.O.P.No.8 of 2019.

2.The respondent/husband has filed H.M.O.P.No.3035 of 2018 before the I Additional Family Court, Chennai for divorce. The petitioner/wife has filed H.M.O.P.No.8 of 2019 before the Sub-Court at Thiruvallur for restitution of conjugal rights.

3.The learned counsel for the petitioner/wife submitted that the petitioner is unemployed and even struggling to meet out the day-to-day expenses in maintaining herself and she is residing at Chennai, finds it very difficult for her to travel from Chennai to Thiruvallur for attending the Court on every hearing in H.M.O.P.No.3035 of 2018 on the file of the I Additional Family Court, Chennai.



4.The learned counsel for the respondent submitted that he has no objection to allow this petition.

5.This Court is satisfied with the reasons stated in the affidavit filed in support of this petition. Further, since two cases are pending from two different Courts i.e., the wife filed a petition for restitution of conjugal rights and the husband filed an application for divorce, 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of the case and considering the submission made by the learned counsel for the petitioner, H.M.O.P.No.3035 of 2018 is withdrawn from the file of the I Additional Family Court, Chennai and transferred to the file of the Sub-Court, Thiruvallur to be tried along with H.M.O.P.No.8 of 2019 for disposal as per law. The learned I Additional Family Court, Chennai, is directed to transmit the papers to the Sub-Court, Thiruvallur forthwith. The learned Sub-Judge, Thiruvallur is directed to dispose H.M.O.P.No.3035 of 2018 along with H.M.O.P.No.8 of 2019 on merits and in accordance with law as expeditiously as possible.

7. In fine, this petition is allowed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

gbi

To:

1. The I Additional Family Court,  
Chennai.
2. The Sub-Court,  
Thiruvallur.

+1cc to Mr.S.Conscious Ilango, Advocate SR. No. 35861

Tr.C.M.P.No.741 of 2021

RR (CO)  
PR (29/06/2022)