



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.02.2022

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THE HONOURABLE Ms. JUSTICE P.T. ASHA

Tr.C.M.P.No.780 of 2021

&

C.M.P.No.18291 of 2021

C.Saranya

...Petitioner

Vs

Kumar @ B.Sivakumar

... Respondent

Prayer: Transfer Civil Miscellaneous Petition is filed under Section 24 of the Code of Civil Procedure to withdraw and transfer the petition in H.M.O.P.No.661 of 2020 on the file of the Sub-Court at Poonamallee, Thiruvallur District to be tried along with H.M.O.P.No.2490 of 2020 on the file of the III Additional Family Court at Chennai.

For Petitioner :Mr.N.Kumar

For Respondent :No Appearance

ORDER

The wife seeks transfer of the petition filed by her husband for restitution of conjugal rights on the file of the Sub-Court, Poonamallee, Thiruvallur District to the file of the III Additional Family Court, Chennai to be tried along with H.M.O.P.No.2490 of 2020, which is filed by the petitioner herein for divorce.

2. The wife would seek to have transfer on the ground that she has already initiated proceedings for divorce against her husband before the III Additional Family Court, Chennai and the petition for restitution of conjugal rights filed by her husband is only a counter blast to the divorce petition filed by her.

3. That apart, she has also initiated domestic violence complaint in D.V.C.No.2 of 2020, which is pending before the



Judicial Magistrate, Thiruvottiyur, Chennai. Therefore, unless a joint trial is ordered, there is a possibility of conflicting Judgements resulting. Further, since the petitioner wife is residing within the Jurisdiction of the III Additional Family Court, Chennai, the petition filed by her husband has to be transferred.

4. Considering the reasons given and also taking into account the fact that the petitioner has earlier filed a petition for divorce, which is pending on the file of the III Additional Family Court, Chennai and she is also residing within the jurisdiction of the said Court, the Transfer Civil Miscellaneous Petition is allowed. H.M.O.P.No.661 of 2020 pending on the file of the Sub-Court, Poonamallee, Thiruvallur District is withdrawn and transferred to the file of the III Additional Family Court, Chennai, to be tried along with H.M.O.P.No.2490 of 2020. Consequently, connected Civil Miscellaneous Petition is closed. No costs.

Sd/-

Assistant Registrar(CS-III)

// True Copy //

Sub Assistant Registrar

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To

1.The Sub-Court, Poonamallee,
Thiruvallur District.

2.The III Additional Family Court,
Chennai.

Tr.C.M.P.No.780 of 2021

PMK(CO)
CB(10/03/2022)