



TR.CMP.No.899 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.10.2022

CORAM:

THE HONOURABLE **MR.JUSTICE S.SOUNTHAR**

Tr.CMP.No.899 of 2022
and
C.M.P.No.15498 of 2022

S.Lavanya

... Petitioner

Versus

A.Sathish

... Respondent

Prayer: Transfer Civil Miscellaneous Petition is filed under Section 24 of Civil Procedure Code, praying to withdraw the proceedings in H.M.O.P.No.121 of 2022 on the file of the Sub Court, Thiruvottiyur and to transfer the same to the VI Additional Family Court at Chennai to be tried along with H.M.O.P.No.4377 of 2019 filed by the petitioner herein.

For Petitioner : Ms.M.Sandhiya

For Respondent : M/s.A.Tamilvanan

ORDER

This Transfer Civil Miscellaneous Petition has been filed seeking transfer of petition for divorce filed by the respondent/husband in H.M.O.P.No.121 of 2022, pending on the file of the Sub Court, Thiruvottiyur



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to the VI Additional Family Court, Chennai.

WEB COPY

2. According to the petitioner/wife, she is residing at Perambur, Chennai and she had already filed a petition for restitution of conjugal rights before the VI Additional Family Court, Chennai. It is stated that the petitioner is having six years old child and she also expressed her difficulty in undertaking travel to attend Court hearings.

3. It is settled law that in the matter involving matrimonial dispute, the preference shall be given to the convenience of the petitioner/wife.

4. In the present case on hand, the petitioner is residing at Perambur, Chennai within the territorial limits of Family Court, Chennai. She is having a six years old child and she has also filed a petition for restitution of conjugal rights. If the petitions filed by the petitioner and the respondent are allowed to go to two different Courts, there is a likelihood of conflict of the judicial verdicts. Therefore, both the petitions have to be tried together in the same Court.

5. By taking into consideration the interest of justice and also the



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convenience of the petitioner/wife, this Court is inclined to order the Tr.C.M.P.

WEB C.M.P. Petition.

6.The learned counsel for the respondent made a request that taking into consideration the petition for restitution of conjugal rights filed by his wife is of the year 2019, time limit may be fixed for both the petitions. The learned counsel for the petitioner has no objection for the said request.

7.Accordingly, the Transfer Civil Miscellaneous Petition is allowed. The petition filed in H.M.O.P.No.121 of 2022 pending on the file of the Sub Court, Thiruvottiyur is withdrawn and transferred to the VI Additional Family Court, Chennai for join trial along with H.M.O.P.No.4377 of 2019.

8.The VI Additional Family Court, Chennai is directed to dispose the case in H.M.O.P.No.121 of 2022 along with H.M.O.P.No.4377 of 2019 within a period of nine (9) months from the date of receipt of records

S.SOUNTHAR, J.



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from the transferor Court. Consequently, connected Civil Miscellaneous

Petition is closed. No costs.

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Index : Yes / No

Speaking Order : Yes / No

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To

1. The Sub Court, Thiruvottiyur

2. The VI Additional Family Court, Chennai.

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