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Tr.C.M.P.No.941 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.11.2022

CORAM:

THE HONOURABLE Mr. JUSTICE S.SOUNTHAR

Tr.C.M.P.No.941 of 2022

and

C.M.P.No.16175 of 2022

Gracy

... Petitioner

Vs.

P.Madhavan

... Respondent

Prayer: Transfer Civil Miscellaneous Petition is filed under Section 24 of Civil Procedure Code, 1908, praying to withdraw the H.M.O.P No.233 of 2022 on the file of the Hon'ble Family Court, Cuddalore to the file of the Hon'ble I Additional Family Court at Chennai.

For Petitioner : Mr.M.Madhankumar

For Respondent : Mr.J.Harikrishan

ORDER

This Transfer Civil Miscellaneous Petition is filed by the petitioner/wife seeking transfer of petition for restitution of conjugal rights filed by the respondent/husband in H.M.O.P.No.233 of 2022, from the file of the Family Court, Cuddalore to I Additional Family Court, Chennai.



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2. Heard the arguments of the learned counsel for the petitioner and the learned counsel for the respondent.

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

4. In the case on hand, the petitioner/wife is residing with her parents at No.60, “B” Block, Ranganathapuram Housing Board, Korukkupet, Chennai, within the territorial limits of I Additional Family Court, Chennai. It is also stated that she had instituted a petition for restitution of conjugal rights in I.D.O.P.No.727 of 2022 before the I Additional Family Court, Chennai and the same is pending.

5. The issues involving in both the petitions are one and the same, if these two petitions are allowed to go on before two different Courts, there is a likelihood of conflict of judicial verdicts. Hence in the interest of justice, these two cases shall be tried together in a same Court.

6. By taking into consideration the convenience of the wife and also the



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interest of justice, this Court is inclined to order the above transfer petition.

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7. Accordingly, the Transfer Civil Miscellaneous Petition is allowed. The petition for restitution of conjugal rights filed by the respondent/husband in H.M.O.P.No.233 of 2022, pending on the file of the Family Court, Cuddalore is withdrawn and the same is transferred to the file of the I Additional Family Court, Chennai. No costs. Consequently, the connected civil miscellaneous petition is closed.

02.11.2022

Index : Yes/No
Speaking Order : Yes/No
rgm

To

1. The Family Court,
Cuddalore.
2. The I Additional Family Court,
Chennai.



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S.SOUNTHAR, J.
rgm

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