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Tr.C.M.P.No.949 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.07.2022

CORAM:

THE HONOURABLE MRS.JUSTICE S.KANNAMMAL

Tr.C.M.P.No.949 of 2021
and C.M.P.No.21229 of 2021

P.Nathiya

... Petitioner

Versus

B.S.Raj Thilak

... 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.752 of 2021 pending on the file of the Sub-Court, Poonamallee, to the VI Additional Family Court, Chennai for joint trial along with H.M.O.P.No.4497 of 2021.

For Petitioner : No Appearance
For Respondent : Mr.R.Surya Prakash

ORDER

The present Transfer Civil Miscellaneous Petition is filed seeking to withdraw and transfer of H.M.O.P.No.752 of 2021 pending on the file of the Sub-Court, Poonamallee, to the VI Additional Family Court, Chennai for joint trial along with H.M.O.P.No.4497 of 2021.



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2.The petitioner/wife has filed H.M.O.P.No.752 of 2021 before the Sub-Court, Poonamallee for divorce. The respondent/husband has filed H.M.O.P.No.4497 of 2021 before the VI Additional Family Court, Chennai for restitution of conjugal right.

3.There is no representation on behalf of the petitioner.

4.It is submitted by the learned counsel for the respondent that the matter is not settled before the mediation. He further 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 divorce and the husband filed an application for restitution of conjugal rights, 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 in view of the



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submission made by the learned counsel for the respondent, H.M.O.P.No.752 of 2021 is withdrawn from the file of the Sub-Court, Poonamallee, and transferred to the file of the VI Additional Family Court, Chennai to be tried along with H.M.O.P.No.4497 of 2021 for disposal as per law. The learned Sub-Court, Poonamallee, is directed to transmit the papers to the VI Additional Family Court, Chennai forthwith. The learned Judge, VI Additional Family Court, Chennai is directed to dispose H.M.O.P.No.752 of 2021 along with H.M.O.P.No.4497 of 2021 on merits and in accordance with law as expeditiously as possible.

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

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S.KANNAMMAL, J.

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To:

1. The Judge, Sub-Court, Poonamallee.
2. The Judge, VI Additional Family Court, Chennai.

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