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Tr.C.M.P.No.691 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01.09.2023

C O R A M

THE HONOURABLE MRS.JUSTICE BHAVANI SUBBAROYAN

TR C.M.P. No.691 of 2023

and

C.M.P.No.16872 of 2023

G. Ragavendhran

... Petitioner

Vs.

S. Padmapriya

... Respondent

PRAYER: This Transfer Civil Miscellaneous Petition is filed under Section 24 of Civil Procedure Code, 1908 to withdraw and transfer H.M.O.P.No. 665 of 2022 on the file of III Addl. Family Court, Chennai to the file of Subordinate Court, Poonamallee and have a joint trial along with HMOP.No.496 of 2022 .

For Petitioner : Mr. H. Prosper

For Respondent : Mr.T.D.Mohan Ram



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ORDER

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2.The case of the petitioner is that he got married with the respondent on 3.11.2019. Due to difference of opinion, the respondent/wife left her matrimonial home and living separately. Therefore, the petitioner filed HMOP.No. 665 of 2022 before the III Addl. Family Court, Chennai . Pending HMOP.No.665 of 2022, the respondent wife filed a petition for divorce in HMOP.No.496 of 2022 before the Subordinate Court, Poonamallee .

3. He further submitted that the petitioner is a Government employee and is having an old aged mother, therefore he is not able to attend before the two courts having different jurisdiction. Thus he prayed for withdrawing HMOP.No.665 of 2022 pending on the file of III Addl. Family Court, Chennai and transfer the same to Subordinate Court, Poonamallee to be tried along with HMOP.No.496 of 2022.



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4. Per contra, the learned counsel for the respondent/wife submitted that the respondent wife has already filed three interlocutory applications seeking maintenance, return of property and return of expenditure incurred towards maintenance of vehicle before the III Additional Family Court, Chennai and the same is pending. Hence, it would be convenient for the respondent/wife to attend the court at Chennai in the event of withdrawing the case pending in HMOP.No.496 of 2022 before Subordinate Court, Poonamallee and transfer the same to the file of III Addl. Family Court, Chennai.

5.The learned counsel for the petitioner has no objection for transferring HMOP.No.496 of 2022 from the file of Subordinate Court, Poonamallee to III Additional Family Court, Chennai.

6. In view of the above submission made by the learned counsel appearing for the petitioner/husband as well as respondent/wife, this Court is inclined to withdraw the H.M.O.P.No.496 of 2022 on the file of Subordinate Court, Poonamallee and transfer the same to the file of III Additional Family Court Chennai to be tried along with HMOP.No.665 of



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7. In the result, the Transfer Civil Miscellaneous Petition is allowed.

No costs. Consequently, connected miscellaneous petition is closed.

01.09.2023

Index:Yes/No

Internet:Yes/No

Speaking Order/Non Speaking Order

msr

To

- 1.The III Additional Family Court, Chennai
2. The Subordinate Court, Poonamallee



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V.BHAVANI SUBBAROYAN., J.

msr

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