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Tr. CMP. No.784 of 2023



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.10.2023

CORAM :

THE HONOURABLE MRS.JUSTICE T.V.THAMILSELVI

TR.CMP No.784 of 2023
and C.M.P.No.18963 of 2023

S.Sivaram

....

Petitioner

-Vs-

Minor Magilini

D/o.Sivaram

By mother/Guardian

Mrs.S.Priya

....

Respondent

Prayer : Transfer Civil Miscellaneous Petition is filed under Section 24 of C.P.C., to withdraw O.S.No.324 of 2023 on the file of Principal District Court, Chengalpet and to transfer the same to the file of First Additional Family Court, Chennai to be heard and decide along with HMOP.No.3086 of 2020, HMOP.No.4410 of 2021 and GWOP.No.3142 of 2023 on the file of I Additional Family Court, Chennai.

For Petitioner : Mr.T.Saminathan

For Respondent : M/s.S.R.Sumathy

ORDER

This petition has been filed by the petitioner seeking to withdraw the O.S.No.324 of 2023 from the file of Principal District Court, Chengalpet and to



transfer the same to the file of First Additional Family Court, Chennai to be heard and decide along with HMOP.No.3086 of 2020, HMOP.No.4410 of 2021 and GWOP.No.3142 of 2023 pending on the file of First Additional Family Court, Chennai.

2. The learned counsel for the petitioner submitted that the petitioner is the father of the minor child/respondent filed this petition in order to avoid multiplicity of proceedings and the petition filed by the respondent/mother in HMOP.No. 3086 of 2020 against him pending on the file of the First Additional Family Court, Chennai. Hence, in order to avoid the multiplicity of proceedings, he wants to transfer the said suit to the file of the First Additional Family Court, Chennai, try along with HMOP.No.3086 of 2020, HMOP.No.4410 of 2021 and GWOP.No.3142 of 2023 on the file of I Additional Family Court, Chennai.

3. The learned counsel for the respondent submitted that the suit cannot be transferred to the file of the First Additional Family Court, Chennai and she has objection for allowing this petition.



4. Admittedly, between the husband and wife matrimonial dispute are pending before the First Additional Family Court, Chennai and also a civil suit, as a part of matrimonial dispute also pending. As per the plaint, the immovable properties are in various Districts including in Adampakkam, Chennai, Hence, if the case is transferred to the First Additional Family Court Chennai to try along with other petitions, would not cause inconvenience neither to the minor child nor the legal guardian/mother of minor. Therefore, the reasons stated by the petitioner is justifiable. Considering the facts and circumstances of the case and also the fact that in order to avoid multiplicity of proceedings civil suit also can be tried along with other OP's.

5. Accordingly, the present Tr.C.M.P. is allowed and the O.S.No.324 of 2023 pending on the file of the Principal District Court, Chengalpet, is withdrawn and transferred to the file of the First Additional Family Court, Chennai to try along with. HMOP.No.3086 of 2020, HMOP.No.4410 of 2021 and GWOP.No.3142 of 2023 on the file of First Additional Family Court, Chennai. Consequently, connected miscellaneous petition is closed. No costs.

04.10.2023

Neutral Citation : Yes/No
Index : Yes/No
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T.V.THAMILSELVI, J.

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To

1.The Principal District Court, Chengapet..

2. The First Additional Family Court, Chennai.

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and C.M.P.No.18963 of 2023

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