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Tr.C.M.P.No.1090 of 2023 and
C.M.P.No.26041 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.11.2023

CORAM:

THE HON'BLE MRS.JUSTICE T.V.THAMILSELVI

Tr.C.M.P.No. 1090 of 2023
and
C.M.P.No. 26041 of 2023

Anu

... Petitioner

Vs.

Senthilkumar

... Respondent

PRAYER: Transfer Civil Miscellaneous Petition is filed under Section 24 of C.P.C., praying to withdraw and transfer the H.M.O.P.No.3251 of 2023 from the file of the II Additional Family Court, Chennai to the file of the Principal Subordinate Judge, Mayiladuthurai for the joint trial along with H.M.O.P.No.272 of 2022.

For Petitioner : Mr. S. Krishnasamy



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ORDER

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The petitioner / wife seeks transfer of H.M.O.P.No. 3251 of 2023 pending on the file of II Additional Family Court, Chennai to the Principal Subordinate Judge, Mayiladuthurai. The petitioner / wife seeks transfer of the proceedings before the Subordinate Judge, Mayiladuthurai on the ground that she is living at Mayiladuthurai and she is not able to attend the Court hearings.

2. The learned counsel for the petitioner submits that the marriage between the respondent and the petitioner was solemnized on 27.08.2006 at Rani Mahal, Mayiladuthurai, as per Hindu Rites and Customs. Further submitted that the petitioner had already filed H.M.O.P.No.272 of 2022 before the Principal Subordinate Judge, Mayiladuthurai for restitution of conjugal rights under Section 9 of the Hindu Marriage Act. In that case, the respondent / husband has appeared and submitted his objection. Now the respondent / husband has filed H.M.O.P.No.3251 of 2023 on the file of II Additional Judge, Family Court, Chennai. Further submitted that it is



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difficult to attend the Court at Chennai but already the respondent / husband appeared before the Principal Subordinate Judge, Mayiladuthurai. Hence, she prays to transfer the HMOP.No.3251 of 2023, to the Principal Subordinate Judge, Mayiladuthurai.

3. Considering the facts and circumstances and the reason assigned by the petitioner is justifiable, this Court is inclined to transfer the H.M.O.P.No.3251 of 2023 to the Principal Subordinate Judge, Mayiladuthurai.

4. In view of the above, H.M.O.P.No.3251 of 2023 is withdrawn from the file of the II Additional Family Court, Chennai and transferred to the file of the Principal Subordinate Judge, Mayiladuthurai try along with H.M.O.P.No.272 of 2022 to be disposed of in accordance with law and the II Additional Family Court, Chennai is directed to send entire records to the Principal Subordinate Judge, Mayiladuthurai within a period of two weeks from the date of receipt of a copy of this order.



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5. Accordingly, this Transfer Civil Miscellaneous Petition is allowed.

No costs. Consequently, connected miscellaneous petition is closed.

6. However, the Principal Subordinate Judge, Mayiladuthurai is directed to issue notice to the respondent and then proceed with the matter as early as possible, preferably within a period of six months from the date of this order.

20.11.2023

Index : Yes / No

Neutral Citation: Yes / No

AT

To

1. The II Additional Family Court, Chennai.

2. The Principal Subordinate Judge, Mayiladuthurai.



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T.V.THAMILSELVI, J.

AT

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