



Tr.C.M.P.No.195 of 2024
and
C.M.P.No.3794 of 2024

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.08.2024

CORAM:

THE HONOURABLE MR.JUSTICE V.LAKSHMINARAYANAN

**Tr.C.M.P.No.195 of 2024 and
C.M.P.No.3794 of 2024**

Vinitha
W/o.Rajadurai

.. Petitioner

Vs.

Rajadurai
S/o.Rajendiran

.. Respondent

PRAYER: Transfer Civil Miscellaneous Petition filed under Section 24 of the Code of Civil Procedure, to withdraw H.M.O.P No.165 of 2023 pending on the file of the Family Court, Ariyalur and transfer the same to the Family Court, Tiruvannamalai and tied along with H.M.O.P.No.247 of 2023

For Petitioner : Mr.B.Jawahar

ORDER

The petitioner is the wife. She married the respondent on 11.07.2016. Due to an accident which took place on 23.07.2023, the parties have separated. The respondent has initiated H.M.O.P.No.165 of 2023 on the file of the Family Court at Ariyalur, seeking for divorce. The



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wife on leaving the matrimonial home has initiated H.M.O.P.No.247 of 2023 on the file of the Family Court at Tiruvannamalai, for restitution of conjugal rights. Finding it difficult to travel to Ariyalur from Tiruvannamalai, she moved this petition for transfer.

2. Notice was ordered in the petition on 26.02.2024. The respondent was served, but he has not entered appearance nor was he present in person to oppose the petition. In order to give an opportunity to the respondent, the matter was adjourned from 07.08.2024 to today. Even today, there is no appearance on behalf of the respondent.

3. Taking into consideration the considerable distance between Ariyalur and Tiruvannamalai and the fact that there must not be any conflicting judgments between two Courts, I am inclined to consider the transfer petition. Accordingly, H.M.O.P.No.165 of 2023 pending on the file of the Family Court at Ariyalur is withdrawn and transferred to the file of the Family Court at Tiruvannamalai to be heard and disposed of



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along with H.M.O.P.No.247 of 2023.

4. The Family Court at Tiruvannamalai will not insist on the appearance of the husband for every hearing. He shall, however, appear when his appearance is essential or when so directed by the Family Court. On the other hearings, he may be represented through a counsel.

5. Accordingly, the Transfer Civil Miscellaneous Petition stands allowed. No costs. Consequently, connected civil miscellaneous petition is closed.

23.08.2024

Index:Yes / No

Speaking Order :Yes / No

Neutral Citation:Yes / No

vji

To

1. The Family Court,
Ariyalur.

2. The Family Court,
Tiruvannamalai.

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V.LAKSHMINARAYANAN, J.

vji

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