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Tr.C.M.P.No.154 of 2023 &
C.M.P.No.3491 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.04.2024

Coram

THE HON'BLE MR JUSTICE V. LAKSHMINARAYANAN

Tr.C.M.P.No.154 of 2023 &
C.M.P.No.3491 of 2023

H.Lavanya

... Petitioner

-Versus-

S.Anandhababu

... Respondent

Transfer Civil Miscellaneous Petition filed under Section 24 of the Code of Civil Procedure to withdraw HMOP.No.36 of 2020 on the file of the Subordinate Judge, Kallakurichi, and transfer the same to the VII Additional Family Court, Chennai – 104.

For Petitioner : *Mr.J.Muthukumaran*

For Respondent : *Mr.M.R.Elavarasan*

ORDER

The petitioner has moved this transfer petition seeking transfer of H.M.O.P.No.36 of 2020 from the file of the learned Subordinate Judge at Kallakurichi to the file of the VII Additional Family Court at Chennai.



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2. The wife has already initiated an application under Section 9 of the Hindu Marriage Act of 1955 in HMOP.No.2635 of 2021 on the file of the VII Additional Family Court, Chennai. Apart from that, a maintenance petition under Section 125 of Cr.P.C. is pending in MC.No.141 of 2022 also on the file of the Family Court in Chennai.

3. As there should not be a conflict of verdicts, I feel that if the proceedings are transferred from Kallakurichi to Chennai, it will serve the ends of justice. Accordingly, HMOP.No.36 of 2020, pending on the file of the learned Subordinate Judge, Kallakurichi is withdrawn and transferred to the file of the VII Additional Family Court, Chennai to be heard and disposed of along with HMOP.No.2635 of 2021.

4. It is made clear that the presence of the husband need not be insisted on every hearings. Suffice his presence when his appearance is indispensable. For all other hearings, the party may appear through a counsel.

5. With the above directions, this transfer civil miscellaneous petition is allowed. No costs. Consequently, connected miscellaneous petition is closed.

08.04.2024

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Index : yes / no



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Neutral Citation : yes / no
Speaking / Non Speaking Order

To

- 1.The Subordinate Judge, Kallakurichi,
- 2.The VII Additional Family Court, Chennai – 104.



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V.LAKSHMINARAYANAN, J.

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