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Tr.C.M.P.No.264 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.10.2024

CORAM :

THE HON'BLE MR.JUSTICE V.LAKSHMINARAYANAN

Tr.C.M.P.No.264 of 2024
and C.M.P.No.5519 of 2024

V.Kalpana .. Petitioner

Versus

K.Parthiban .. Respondent

Prayer : Transfer Civil Miscellaneous Petition is filed under Section 24 of the Code of Civil Procedure, 1908, to withdraw the petition in H.M.O.P.No.955 of 2023 from the file of the Subordinate Court, Ambattur and transfer the same to the file of the I Additional Family Court, Chennai.

For Petitioner : Ms.E.Akila

For Respondent : No Appearance

ORDER

The petitioner is the wife. She married the respondent on 17.06.2022 at Tiruvannamalai. Due to disputes and differences, they separated on 13.01.2022. The husband initiated a petition for divorce in H.M.O.P.No.955 of 2023 on the file of Sub-Court at Ambattur.



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2. The wife initiated a petition for restitution of conjugal rights on the file of the I Additional Family Court at Chennai in O.P.No.748 of 2024.

3. Notice was ordered in the application on 03.04.2024. Summons were served on the respondent/husband and the respondent/husband has not entered appearance.

4. Since one is the proceeding for restitution of conjugal rights and the other is for divorce, interest of justice requires that both the proceedings should be tried together. Consequently, H.M.O.P.No.955 of 2023 on the file of the Sub-Court, Ambattur is withdrawn and transferred to the file of the I Additional Family Court at Chennai to be heard and disposed of along with O.P.No.748 of 2024.

5. Since the husband is working in a Private Company, on the proceeding being transferred to the I Additional Family Court, Chennai, it shall issue a notice to the respondent/husband and after the summons are served, it shall insist for the appearance of the respondent/husband on every



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hearing. He shall be represented by a Counsel on all hearing dates. On hearing dates in which his presence is essential, he shall present himself.

6. With the above directions regarding appearance of the respondent/husband, this Transfer Civil Miscellaneous Petition is allowed. No costs. Consequently, connected miscellaneous petition is closed.

18.10.2024

Index : yes/no
Speaking order/Non-speaking order
Neutral Citation : yes/no
grs

To

1. The Sub-Court,
Ambattur.
2. The I Additional Family Court,
Chennai.



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V.LAKSHMINARAYANAN, J.

grs

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