



Tr.CMP.No.329 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.04.2024

CORAM

THE HONOURABLE MR.JUSTICE V.LAKSHMINARAYANAN

Tr.CMP.No.329 of 2023

and

C.M.P.No.7354 of 2023

E.Srinivasan

.. Petitioner

Vs.

T.Ushadevi

.. Respondent

Prayer : The Transfer Civil Miscellaneous Petition is filed under Section 24 of the Code of Civil Procedure, to withdraw the case in H.M.O.P.No.1818 of 2022 on the file of the V Additional Family Court at Chennai and transfer the same to the file of the Sub Court at Poonamallee for joint trial with the case in H.M.O.P.No.519 of 2022 pending on the file of the Sub Court, Poonamallee.

For Petitioner : Mr.P.Suresh

For Respondent : Ms.J.Sasilie

ORDER

The husband has moved this transfer petition seeking transfer of proceeding in H.M.O.P.No.1818 of 2022 pending on the file of the V



Tr.CMP.No.329 of 2023

Additional Family Court at Chennai to the file of the Sub Court at Poonamallee to be tried along with H.M.O.P.No.519 of 2022.

2. The wife has initiated proceeding in H.M.O.P.No.1818 of 2022 seeking divorce and H.M.O.P.No.519 of 2022 has been filed by the husband for restitution of conjugal rights. The petitioner is a resident of Porur at Chennai. The respondent/wife, being a Central Government employee, is a resident of Anna Nagar at Chennai, but is currently posted at Tirunelveli.

3. The learned counsel for the respondent/wife would submit that from the wedlock, a child was born, who is suffering from autism.

4. Taking into consideration the fact that the mother has to take care of the child and at the same time to obviate the situation of conflicting judgments being passed by the Sub Court at Poonamallee and by the V Additional Family Court at Chennai, I am inclined to allow this transfer petition. Hence, the proceedings in H.M.O.P.No.519 of 2022 which is now pending on the file of the Sub Court at Poonamallee is withdrawn and it shall stand transferred to the file of the Family Court at Chennai.



Tr.CMP.No.329 of 2023

H.M.O.P.No.519 of 2022 shall be clubbed along with H.M.O.P.No.1818 of 2022 and shall be tried and heard together.

5. It is made clear that the husband need not appear for every hearing. But he shall appear for the essential hearings. On all other hearings, he may be represented through a counsel.

6. Accordingly, the Transfer Civil Miscellaneous Petition stands allowed. No costs. Consequently, connected Civil Miscellaneous Petition is closed.

17.04.2024

mkn2

Index:Yes/No

Speaking Order :Yes/No

Neutral Citation:Yes/No



WEB COPY



Tr.CMP.No.329 of 2023

V. LAKSHMINARAYANAN, J.

mkn2

To

- 1.The Sub Court,
Poonamallee
- 2.The Family Court,
Chennai

Tr.CMP.No.329 of 2023

and

C.M.P.No.7354 of 2023

17.04.2024