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Tr.CMP.No.317 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.04.2024

CORAM

THE HONOURABLE MR.JUSTICE V.LAKSHMINARAYANAN

Tr.CMP.No.317 of 2023

and

C.M.P.No.7067 of 2023

M.Bharathi

.. Petitioner

Vs.

Shyam Kumar

.. Respondent

Prayer : The Transfer Civil Miscellaneous Petition is filed under Section 24 of the Civil Procedure Code, to withdraw the F.C.O.P.No.213 of 2022 pending on the file of the Family Court at Chengalpattu and transfer the same to the file of the Family Court at Tiruvannamalai.

For Petitioner : Mr.B.Jawahar

For Respondent : Mr.S.Anburaja

ORDER

The petitioner and the respondent got married on 04.09.2020 at Vettavalam Village in Tiruvannamalai District. Subsequent to the wedding, the parties are before the Court.



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2. The respondent/husband has filed F.C.O.P.No.213 of 2022 on the file of the Family Court at Chengalpattu. The wife has initiated the proceedings in M.C.No.15 of 2022 before the Judicial Magistrate No.II at Tiruvannamalai. She has also sought for restitution of conjugal rights in H.M.O.P.No.192 of 2022 before the Family Court at Tiruvannamalai.

3. The petitioner/wife is finding it difficult to travel from Tiruvannamalai to Chengalpattu District and therefore, she seeks for transfer of the proceedings from Chengalpattu to Tiruvannamalai.

4. As H.M.O.P.No.192 of 2022 is already pending before the Family Court at Tiruvannamalai and if any contrary orders are passed in F.C.O.P.No.213 of 2022, then, there is a possibility of divergence of opinions between the two learned Judges. Interest of justice demands that both the proceedings should be heard together.

5. Therefore, F.C.O.P.No.213 of 2022 is withdrawn from the file of the Family Court at Chengalpattu and it shall stand transferred to the file of



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the Family Court at Tiruvannamalai, where it shall be heard and disposed of along with H.M.O.P.No.192 of 2022.

6. The respondent/husband is working in HCL, Sholinganallur at Chennai. Therefore, it will be difficult for him to appear for every hearing. The learned Family Judge is requested not to insist on the presence of the husband for every hearing, but he shall be directed to be present only for such hearings where his presence is indispensable. On the other hearings, he may be represented through a counsel.

7. With the above directions, the Transfer Civil Miscellaneous Petition stands allowed. No costs. Consequently, connected Civil Miscellaneous Petition is closed.

08.04.2024

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Index:Yes/No

Speaking Order :Yes/No

Neutral Citation:Yes/No



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V. LAKSHMINARAYANAN, J.

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To

1.The Family Court,
Chengalpattu

2.The Family Court,
Tiruvannamalai

Tr.CMP.No.317 of 2023

and

C.M.P.No.7067 of 2023

08.04.2024