



Tr.CMP.No.361 of 2023

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.04.2024

CORAM

THE HONOURABLE MR.JUSTICE V.LAKSHMINARAYANAN

Tr.CMP.No.361 of 2023

and

C.M.P.No.7857 of 2023

R.Arthi

.. Petitioner

Vs.

D.S.Jithendra

.. Respondent

Prayer : The Transfer Civil Miscellaneous Petition is filed under Section 24 of the Code of Civil Procedure, to withdraw the proceeding in H.M.O.P.No.125 of 2022 pending on the file of the Subordinate Court at Perundurai and transfer the same to the file of the Family Court at Coimbatore.

For Petitioner : Mr.C.E.Pratap

For Respondent : Mr.A.Sundara Vadhanan



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ORDER

The wife is a permanent resident of Coimbatore and the husband is a permanent resident of Perundurai.

2. The husband has filed a petition in H.M.O.P.No.125 of 2022, for dissolution of marriage that took place between him and the petitioner on 08.11.2021, before the Sub Court at Perundurai. The wife pleads that she is unable to travel from Coimbatore to Perundurai. Hence, she seeks transfer of proceedings.

3. The learned counsel for the respondent/husband would report that the wife has also initiated proceeding for maintenance in M.C.No.124 of 2023 on the file of the Family Court at Coimbatore.

4. Since the proceedings are already pending before the Family Court at Coimbatore, interest of justice requires that both the proceedings are to be heard together and disposed of by the same Court in order to avoid conflict of judgments.



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5. Hence, the proceeding in H.M.O.P.No.125 of 2022 which is pending on the file of the Subordinate Court at Perundurai is withdrawn and it shall stand transferred to the file of the Family Court at Coimbatore to be heard and tried along with the petition in M.C.No.124 of 2023.

6. 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.

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

22.04.2024

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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 Subordinate Court,
Perundurai
- 2.The Family Court,
Coimbatore

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