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Tr.C.M.P.No.365 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.08.2024

CORAM

THE HONOURABLE DR.JUSTICE D.NAGARJUN

Tr.C.M.P.No.365 of 2024

and

C.M.P.No. 7686 of 2024

M.Mathivathani

...Petitioner

Vs.

T.S.Aravindan

... Respondent

Prayer : The Transfer Civil Miscellaneous Petition is filed under Section 24 of the Code of Civil Procedure, to withdraw the H.M.O.P.No. 56 of 2024 pending on the file of Sub Court, Ambattur and transfer the same to the V Additional Family Court, Chennai to be tried along with the O.P.No. 4679 of 2023.

For Petitioner : Ms.Srividhya Aravindan

For Respondent : Mr.K.Balasubramaniam

ORDER

This petition has been filed seeking to withdraw the H.M.O.P.No. 56 of 2024 pending on the file of Sub Court, Ambattur and to transfer the same to the V Additional Family Court, Chennai to be tried along with the O.P.No. 4679 of 2023.



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2. It is submitted by the learned counsel appearing for the petitioner that marriage of the petitioner with respondent was solemnized on 20.05.2018 at Chennai. From the wedlock, the petitioner had gave birth to male child on 03.06.2020 who is now four years old. Subsequently, on account of some issues between the parties, the respondent has filed H.M.O.P.No. 56 of 2024 on the file of Sub Court, Ambattur seeking restitution of Conjugal Rights from the petitioner under Section 9 of the Hindu Marriage Act, 1955. Earlier to that, the petitioner has filed O.P.No. 4679 of 2023 seeking divorce from the respondent which is pending on the file of V Additional Family Court, Chennai.

3. Now it is submitted by the learned counsel for the petitioner that since both the petitions are between the same parties and subject matter of both the petitions are inter connected to each other and therefore sought for withdrawing H.M.O.P.No. 56 of 2024 pending on the file of Sub Court, Ambattur and to transfer the same to the V Additional Family Court, Chennai to be tried along with the O.P.No. 4679 of 2023.

4. When the matter was taken up for hearing, Mr.K.Balasubramaniam, learned Counsel for the respondent has reported no objection for withdrawing H.M.O.P.No. 56 of 2024 pending on the file of



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Sub Court, Ambattur and to transfer the same to the V Additional Family Court, Chennai and same is recorded.

5. Considering the submission made by both sides and on perusal of records, this petition is allowed. The H.M.O.P.No. 56 of 2024 pending on the file of Sub Court, Ambattur is withdrawn and ordered to be transferred to V Additional Family Court, Chennai for trying along with the O.P.No.4679 of 2023. The learned Subordinate Judge, Ambattur is directed to dispatch the entire case records pertaining to H.M.O.P.No.56 of 2024 duly indexed to the V Additional Family Court, Chennai as quickly as possible. Consequently, connected miscellaneous petition is also closed. No costs.

12.08.2024

Index:Yes/No
Speaking Order :Yes/No
Neutral Citation:Yes/No
nsl

To

1. The Subordinate Court,
Ambattur.
2. The V Additional Family Court,
Chennai



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DR. D.NAGARJUN,J.

ns1

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