



WEB COPY



Tr.C.M.P.No.370 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.04.2024

CORAM :

THE HONOURABLE MR.JUSTICE V.LAKSHMINARAYANAN

Tr.C.M.P.No.370 of 2023
and
C.M.P.Nos.7964 and 7968 of 2023

A.S.Vaishnave

... Petitioner

Vs.

M.Tharunkumar

... Respondent

Prayer: Transfer Civil Miscellaneous Petition is filed under Section 24 of the Code of Civil Procedure, 1908, to withdraw H.M.O.P.No.95 of 2021 pending on the file of the Sub Court, Tiruchengode and to transfer the same to the file of the Family Court, Salem in H.M.O.P.No.270 of 2022 by allowing this transfer Civil Miscellaneous Petition.

For Petitioner : Ms.R.A.Monalisha

ORDER

This transfer petition has been filed seeking transfer of the proceeding in H.M.O.P.No.95 of 2021 from the file of the Sub Court, Tiruchengode to the file of the Family Court, Salem to be tried along with H.M.O.P.No.270 of 2022.

2. The petitioner and the respondent got married on 06.06.2019 at



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Thirumalai Devasthanam, Tirupathi, Andhra Pradesh. From the wedlock, two children (one girl and one boy) were born on 29.04.2020 and 17.01.2022 respectively. The petitioner and the children are residing at Ammapet, Salem District. Thereafter, certain disputes have arisen between the petitioner and the respondent. The respondent, who is a resident of Komarapalayam, Namakkal District, has initiated divorce proceeding in H.M.O.P.No.95 of 2021 before the Sub Court, Tiruchengode.

3. The petitioner claims that she is unable to travel from Salem, where she is currently residing, to Tiruchengode as she has to take care of her minor children. She has already initiated proceeding before the Family Court, Salem in H.M.O.P.No.270 of 2022. Hence, she seeks transfer of proceeding in H.M.O.P.No.95 of 2021 from the file of the Sub Court, Tiruchengode to the file of the Family Court, Salem to be tried along with H.M.O.P.No.270 of 2022.

4. In order to avoid conflicting judgments, it is better that the cases are heard by the same Court. Hence, the proceeding in H.M.O.P.No.95 of 2021 which is now pending before the Sub Court, Tiruchengode is withdrawn and it shall stand transferred to the file of the Family Court, Salem to be heard and tried along with H.M.O.P.No.270 of 2022. It is made clear that since the



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respondent is an employee of IT Company, his presence shall not be insisted upon by the Family Court, Salem for every hearing unless and until his presence is indispensable. On all other hearings, he may be represented through a counsel.

5. In the light of the above, the Transfer Civil Miscellaneous Petition stands allowed. No costs. Connected Civil Miscellaneous Petitions are closed.

16.04.2024

Index : Yes/No
Internet : Yes/No
Speaking Order/Non-Speaking Order
Neutral Citation : Yes/No
arb

To

1.The Sub Court,
Tiruchengode.

2.The Family Court,
Salem.

V. LAKSHMINARAYANAN, J.

arb



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