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Tr.CMP.,No.408 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.04.2024

CORAM :

THE HONOURABLE MR.JUSTICE V. LAKSHMINARAYANAN

**Tr.CMP.No.408 of 2023**

**and CMP.No.8957 of 2023**

J.S. Kamalakannan S/o. Soundarapandian ... Petitioner / Petitioner  
VS

V. Anitha W/o. J.S. Kamalakannan .. Respondent / Respondent

**PRAYER:-** The Transfer Civil Miscellaneous Petition filed under Section 24 of the Code of Civil Procedure to withdraw H.M.O.P. No.150 of 2022 pending on the file of the learned Subordinate Judge, Kulithalai and transfer the same to the file of Sub Court, Tambaram.

For Petitioner : Ms. R. Krishnaveni

For Respondent : Mr. B. Dayalan

**ORDER**

The petition has been filed to withdraw H.M.O.P. No.150 of 2022 from the file of the learned Subordinate Judge, Kulithalai and transfer the same to the file of Sub Court, Tambaram.



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2. Heard Ms. R. Krishnaveni, learned counsel appearing for the petitioner and Mr. B. Dayalan, learned counsel appearing for the respondent.

3. The petition in H.M.O.P. No.387 of 2022 filed for restitution of conjugal rights is pending before the Sub Court, Tambaram. The wife has initiated proceedings in H.M.O.P. No.150 of 2022 for divorce on the file of Subordinate Court, Kulithalai. There is a possibility of conflict in judgments. As of today, the petitioner's husband is in Gowrivakkam in Chennai and the wife is residing at Pozhichalur, which is also in Chennai. Therefore, for both the parties to travel to Kulithalai would be difficult.

4. Considering the fact that H.M.O.P. No.387 of 2022 is pending before the Sub Court, Tambaram, HMOP No.150 of 2022 is withdrawn from the file of Sub Court, Kulithalai and transferred to the file of Sub Court, Tambaram to be heard and decided along with H.M.O.P. No.387 of 2022.



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5. With this direction, the Transfer Civil Miscellaneous Petition is allowed. No costs. The connected miscellaneous petition is closed.

**04.04.2024**

Index:Yes/No

Speaking order/Non-speaking order

Neutral Citation:Yes/No

mjs

To

1. The Subordinate Court, Katpadi.

2. The Family Court, Chennai.



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**V. LAKSHMINARAYANAN,J.**

Mjs

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