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Tr.C.M.P.No.603 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.603 of 2024

and

C.M.P.No. 12995 of 2024

R.Jayanthi

...Petitioner

Vs.

P.Saravanan

... Respondent

Prayer : The Transfer Civil Miscellaneous Petition is filed under Section 24 of the Code of Civil Procedure, to withdraw the proceedings in O.P.No. 29 of 2024 pending on the file of the Family Court, Thiruvallur and transfer the same to the Subordinate Court, Tambaram to be tried along with H.M.O.P.No.297 of 2023 pending before the Subordinate Court, Tambaram.

For Petitioner : Ms.M.D.Leelavathi

For Respondent : Mr.S.Vijayanand

ORDER

This petition has been filed seeking to withdraw the O.P.No. 29 of 2024 pending on the file of Family Court, Thiruvallur and to transfer the same to the Subordinate Court, Tambaram to be tried along with



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H.M.O.P.No. 297 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 14.11.2022 at Vepampattu. Subsequently, on account of some issues between the parties, the petitioner has filed H.M.O.P.No. 297 of 2023 seeking restitution of Conjugal Rights under Section 9 of the Hindu Marriage Act, pending on the file of Subordinate Court, Tambaram and same is posted for filing counter statement. The petitioner has also filed Maintenance Petition in M.C.No. 29 of 2023 on the file of Learned Judicial Magistrate, Tambaram and the same is pending.

3. Earlier to that, the respondent has filed a Divorce Petition under Section 13(1) (i)(a) of Hindu Marriage Act in O.P.No. 29 of 2024 which is pending on the file of Family Court, Thiruvallur. Since H.M.O.P.No. 297 of 2023 filed by the petitioner for Restitution of Conjugal Rights and O.P.No.29 of 2024 filed by the respondent for divorce, are between the same parties and the subject matter of both of them are inter connected. The petitioner has sought for withdrawing O.P.No. 29 of 2024 pending on the



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file of Family Court, Thiruvallur and to transfer the same to the Subordinate Court, Tambaram, so that both the petitions can be tried by the same Court.

4. When the matter was taken up for hearing, Mr.S.Vijayanand, learned Counsel for the respondent has reported no objection to the respondent for withdrawing O.P.No. 29 of 2024 pending on the file of Family Court, Thiruvallur and to transfer the same to the Subordinate Court, Tambaram and same is recorded.

5. Considering the submission made by both sides and on perusal of records, this Court is of the opinion it is desirable that O.P.No. 29 of 2024 pending on the file of Family Court, Thiruvallur and H.M.O.P.No.297 of 2023 pending on the file of Subordinate Court, Tambaram be tried by one and the same Court so that there will not be any conflicting of observations.

6. In view of the above, this petition is allowed. The O.P.No. 29 of 2024 pending on the file of Family Court, Thiruvallur is withdrawn and transferred to Subordinate Court, Tambaram to be tried along with H.M.O.P.No.297 of 2023. The learned Family Judge, Family Court,



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Thiruvallur is directed to dispatch the entire case records pertaining to O.P.No.29 of 2024 duly indexed to the Subordinate Court, Tambaram as quickly as possible. On receipt of said case records, the learned Subordinate Judge, Tambaram is directed to take up both the matter together and dispose them of 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

Note: Issue Order Copy on 13.08.2024.

To

1. The Family Court,
Thiruvallur.
2. The Subordinate Court,
Tambaram.

DR. D.NAGARJUN,J.



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