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Tr.C.M.P. No. 476 of 2023

**IN THE HIGH COURT OF JUDICATURE AT MADRAS**

DATED: 04.10.2024

CORAM

**THE HONOURABLE MR. JUSTICE V.LAKSHMINARAYANAN**

**Tr.C.M.P. No. 476 of 2023**

**and**

**C.M.P. No. 10966 of 2023**

Poovedha

... Petitioner

Vs.

Gopalakrishnan

... Respondent

**PRAYER:** Transfer Miscellaneous Petition is filed under Section 24 of the Code of Civil Procedure, 1908, to withdraw the proceedings in H.M.O.P. No. 307 of 2022 on the file of the Family Court, Chengalpattu and transfer the same to the Sub Court, Virudhachalam to be tried along with H.M.O.P. No. 117 of 2022 pending before the Sub Court, Virudhachalam.

For Petitioner : Mr. J.Antony Jesus

For Respondent : NRN

**ORDER**

When the transfer petition was taken up for hearing, Mr. J.Antony Jesus submitted that pending the transfer proceedings, H.M.O.P. No. 117 of 2022



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initiated by the wife before the Sub Court, Virudhachalam for divorce has been decreed on 01.07.2024.

2. Since the divorce proceeding itself has been decreed, there is no question of granting restitution of conjugal rights by the Family Court at Chengalpattu. As the matrimonial relationship between the petitioner and the respondent has been put an end by the decree dated 01.07.2024, hence, the transfer petition is closed. In case the decree of divorce dated 01.07.2024 is set aside, the liberty is granted to the petitioner to approach this Court afresh by way of fresh transfer petition.

3. In the result, the transfer civil miscellaneous petition is closed. No costs. Consequently, the connected miscellaneous petition is closed.

**04.10.2024**

Index : Yes / No

Speaking order : Yes / No

NCC : Yes / No

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To

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1. The Family Court, Chengalpattu.
2. The Sub Court, Virudhachalam.



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**V.LAKSHMINARAYANAN, J.,**

pal

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**04.10.2024**