



Tr CMP.No.530 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.09.2024

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THE HON'BLE MR.JUSTICE V.LAKSHMINARAYANAN

Tr CMP.No.530 of 2024 &
CMP.No.11933 of 2024

Jebakani Ishwarya : Petitioner

versus

Immanuvel Leeban : Respondent

Prayer: Petition filed under Section 24 of the Code of Civil Procedure to withdraw the IDOP.NO.53 of 2024 on the file of the Principal District Court, Madurai and transfer the same to V Additional Family Court, Chennai to try with IDOP.No.1135 of 2024.

For Petitioner : Mr.Jheroshlin M

For Respondent : Mr.P.Narayana Prasad

ORDER

This petition seeking transfer of IDOP. No.53 of 2024 from the file of the Principal District Court, Madurai, to the file of the V Additional Family



Tr CMP.No.530 of 2024

Court, Chennai.

2. The petitioner married the respondent on 12.02.2023. Both are graduates and working in multinational companies. Due to disputes and differences, the parties have separated and the petitioner is now residing in Chennai.

3. The respondent has initiated a proceeding for divorce in IDOP.No.53 of 2024 on the file of the Principal District Court at Madurai. In the meantime, the wife has initiated a proceeding for restitution of conjugal rights in IDOP.No.1135 of 2024 on the file of the V Additional Family Court at Chennai. Considering the distance between Madurai and Chennai, the petitioner has moved this application for transfer as she finds it difficult to travel such a considerable distance.

4. Notice was ordered in this application on 14.06.2024 and the respondent entered appearance through Mr.P.Narayana Peruamal.

5. Mr.P.Narayana Peruamal would submit that the husband has no



Tr CMP.No.530 of 2024

objection for transfer of proceedings.

6. Apart from this no objection, I have to take note that there is a proceeding pending for restitution of conjugal rights before the Family Court at Chennai. To avoid conflicting judgments, it would be better for the same learned Judge to deal with both IDOPs.

7. Accordingly, the proceedings in IDOP.No.53 of 2024 is withdrawn from the file of the Principal District Court, Madurai and is transferred to the file of the V Additional Family Court, Chennai to be tried and heard along with IDOP.No.1135 of 2024. It is made clear that the V Additional Family Court, Chennai need not insist upon the respondent to appear for every hearing except the essential hearing. The respondent shall be present only for such hearings when his appearance is indispensable. For all other hearings, the respondent shall be represented by a counsel.

8 . With the above directions, this transfer petition is allowed. No costs. Consequently, the connected miscellaneous petition is closed.

06.09.2024



Tr CMP.No.530 of 2024

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Index : Yes/No

Speaking Order/Non-speaking order

Neutral Citation : Yes/No



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Tr CMP.No.530 of 2024

V.LAKSHMINARAYANAN, J.

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To

- 1.The Principal District Court, Madurai
- 2.The V Additional Family Court, Chennai

Tr CMP.No.530 of 2024

06.09.2024