



Tr.CMP.No.492 of 2023

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.07.2024

CORAM

THE HONOURABLE MR.JUSTICE V.LAKSHMINARAYANAN

Tr.CMP.No.492 of 2023

and

C.M.P.No.11800 of 2023

Manoj Praveen

.. Petitioner

Vs.

Abarna

.. Respondent

Prayer : The Transfer Civil Miscellaneous Petition is filed under Section 24 of the Code of Civil Procedure, to withdraw the proceeding in M.O.P.No.716 of 2022 pending on the file of the learned Family Judge at Puducherry and transfer the same to the file of the learned Family Judge at Cuddalore to enable joint trial with the proceeding in H.M.O.P.No.293 of 2022.

For Petitioner : Ms.Pooja
for Mr.D.Baskar

For Respondent : Not Ready in Notice

ORDER



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Ms.Pooja, for Mr.D.Baskar, appearing on behalf of the petitioner submits that the respondent/wife was served, and has also filed an Affidavit of Service to that effect.

2. The petitioner before me is the husband. He is the permanent resident of Manjakuppam in Cuddalore District. He has initiated the proceeding in H.M.O.P.No.293 of 2022 seeking divorce before the Family Court at Cuddalore.

3. The wife, in the meantime, has moved an application for restitution of conjugal rights before the Family Court at Puducherry in M.O.P.No.716 of 2022.

4. The petitioner/husband wants to transfer the proceeding initiated by the wife in M.O.P.No.716 of 2022 to be heard and disposed of along with the proceeding initiated by him in H.M.O.P.No.293 of 2022 before the Family Court at Cuddalore.

5. There is no dispute that the wife is the permanent resident of Sastri



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Nagar in Puducherry District. Though the distance between Puducherry and Cuddalore is not considerable and can be covered in a matter of 45 minutes, I would think twice to make the wife travel from Puducherry to Cuddalore to attend the hearing. Therefore, I feel that if the husband is made to travel from Cuddalore to Puducherry, he will not be put to much prejudice.

6. I accept the transfer petition, since I agree with the argument of Ms.Pooja that there must not be a conflict of judgments between the two Courts. However, instead of allowing the transfer petition as prayed for, I intend to transfer the proceeding in H.M.O.P.No.293 of 2022 from the file of the Family Court at Cuddalore to the file of the Family Court at Puducherry.

7. Hence, the proceeding in H.M.O.P.No.293 of 2022 pending on the file of the Family Court at Cuddalore is withdrawn and it shall stand transferred to the file of the Family Court at Puducherry to be heard and disposed of along with M.O.P.No.716 of 2022.

8. The learned Family Judge at Puducherry is requested not to insist on the presence of the husband for every hearing, but he shall be directed to



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be present only for such hearings where his presence is indispensable. On the other hearings, he may be represented through a counsel.

9. Accordingly, the Transfer Civil Miscellaneous Petition stands ordered. No costs. The connected Civil Miscellaneous Petition is closed.

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Index:Yes/No

Speaking Order :Yes/No

Neutral Citation:Yes/No

V. LAKSHMINARAYANAN, J.



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To

1.The learned Family Judge,
Cuddalore

2.The learned Family Judge,
Puducherry

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