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TR.CMP.No.493 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15.07.2024

CORAM:

THE HONOURABLE Mr.JUSTICE V.LAKSHMINARAYANAN

TR.CMP.No.493 of 2023
and CMP.No.11845 of 2023

J.M.Jayanthi Gayathri

... Petitioner

Vs

N.Harihar Sudhan

... Respondent

Prayer : Transfer Civil Miscellaneous Petition filed under Section 24 of the Civil Procedure Code praying to withdraw the H.M.O.P.No.48 of 2023 pending on the file of learned Family Court, Krishnagiri and transfer the same to learned Principal Sub Judge, Hosur.

For Petitioner : Mr.N.Balakrishnan
for Mr.N.Arun Kumar

For Respondent : Mr.C.Shivakumar

ORDER

The petitioner-wife has presented this petition to withdraw the petition filed by the respondent-husband in H.M.O.P.No.48 of 2023 before the Family



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Court, Krishnagiri and to transfer it to Principal Sub Court, Hosur.

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2. The respondent is the permanent resident of Krishnagiri and the petitioner is currently residing in Bangalore. She married the respondent on 06.12.2019 and from the wedlock, a female child was born on 11.09.2020. The respondent-husband had initiated proceedings in H.M.O.P.No.48 of 2023 before the Family Court, Krishnagiri for declaration that the marriage is null and void. The petitioner-wife had also initiated proceedings in H.M.O.P.No.77 of 2023 before the Principal Sub Court, Hosur, for restitution of conjugal rights. The petitioner has now filed the transfer petition seeking transfer of proceedings in H.M.O.P. No.48 to 2023 to Principal Sub Court, Hosur.

3. In order to avoid conflict of judgments, this Court is of the opinion that both the proceedings filed by the respondent-husband and the petitioner-wife may be heard and disposed of by the same Judge. The learned counsel for the respondent has no objection for the said course of action.

4. Therefore, H.M.O.P.No.48 of 2023 now pending on the file of



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Family Court, Krishnagiri is withdrawn and transferred to the file of Principal Sub Court, Hosur, to be heard and disposed of by the Principal Subordinate Judge, Hosur along with H.M.O.P.No.77 of 2023.

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

15.07.2024

Index:Yes/No
Neutral Citation : Yes / No
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To:

- 1.The Judge
Family Court
Krishnagiri
- 2.The Judge
Principal Sub Court
Hosur.
- 3.The Section Officer
VR Section, High Court, Madras.



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V.LAKSHMINARAYANAN,J.

ds

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