



Tr.CMP.No.557 of 2023

WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.04.2024

CORAM

THE HONOURABLE MR.JUSTICE V.LAKSHMINARAYANAN

Tr.CMP.No.557 of 2023

and

C.M.P.No.13296 of 2023

S.Yogeshwari

.. Petitioner

Vs.

Shanmuga Sundar

.. Respondent

Prayer : The Transfer Civil Miscellaneous Petition is filed under Section 24 of the Code of Civil Procedure, to withdraw and transfer the proceeding in H.M.O.P.No.363 of 2022 from the file of the learned Family Judge at Cuddalore to the file of the I Additional Family Court at Chennai.

For Petitioner : Mr.T.Thangamani

For Respondent : Served, No Appearance

ORDER

The husband has presented a petition for restitution of conjugal rights in H.M.O.P.No.363 of 2022 before the Family Court at Cuddalore.



Tr.CMP.No.557 of 2023

2. The wife has initiated a proceeding for divorce in O.P.No.5102 of

2022 on the file of the I Additional Family Court at Chennai.

3. The husband is a permanent resident of Cuddalore. The wife is a permanent resident of Chennai. There should not be a conflict of judgments between the Courts, therefore, it is better both the cases to be heard by the same Court.

4. Considering the overall circumstances, the proceeding in H.M.O.P.No.363 of 2022 on the file of the Family Court at Cuddalore is withdrawn and it shall stand transferred to the file of the I Additional Family Court at Chennai to be heard and tried along with the O.P.No.5102 of 2022.

5. It is made clear that the husband need not appear for every hearing. But, he shall appear for the essential hearings. On all other hearings, he may be represented through a counsel.

6. Accordingly, the Transfer Civil Miscellaneous Petition stands



Tr.CMP.No.557 of 2023

allowed. No costs. Consequently, connected Civil Miscellaneous Petition is closed.

23.04.2024

mkn2

Index:Yes/No

Speaking Order :Yes/No

Neutral Citation:Yes/No

To

1.The Family Court,
Cuddalore

2.The I Additional Family Court,
Chennai

V. LAKSHMINARAYANAN, J.



WEB COPY



Tr.CMP.No.557 of 2023

mkn2

Tr.CMP.No.557 of 2023
and
C.M.P.No.13296 of 2023

23.04.2024