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Tr.C.M.P.No.685 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.07.2024

CORAM

THE HONOURABLE MR.JUSTICE V.LAKSHMINARAYANAN

Tr.C.M.P.No.685 of 2023
and C.M.P.No.16792 of 2023

Chitra

... Petitioner

Vs.

K.Vedarajan

... Respondent

PRAYER: The Transfer Civil Miscellaneous Petition is filed under Section 151 of Code of Civil Procedure, to withdraw the H.M.O.P.No.166 of 2023 on the file of the Sub Court, Sirkali and transfer the same to the file of the II Additional Family Court, Chennai.

For the Petitioner : Mr.V.Sivalingam

For the Respondent : Mr.Chandrasekaran

ORDER

This Transfer Civil Miscellaneous Petition is filed to withdraw the case in H.M.O.P.No.166 of 2023 on the file of the Sub Court, Sirkali and transfer the same to the file of the II Additional Family Court, Chennai.



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2. The petitioner and the respondent were married on 06.12.2013. Thereafter, they set up their matrimonial home at Sirkali. The petitioner has initiated a petition for restitution of conjugal rights in O.P.No.1902 of 2023, before the II Additional Family Court, Chennai. At that time, she came to know that her husband has initiated divorce proceedings in H.M.O.P.No.166 of 2023 on the file of the Sub Court, Sirkali.

3. There should not be a conflict of Judgments between the two Courts. Therefore, this Court feels that both the cases should be tried by same Court.

4. Learned counsel on both sides agree that the husband is not a resident of India and currently he is a resident of United States of America.

5. Therefore, taking into consideration the difficulties expressed by the petitioner/wife in travelling to Sirkali from Chennai and since the proceedings are pending before the II Additional Family Court, Chennai, the proceedings in H.M.O.P.No.166 of 2023 on the file of the Sub Court, Sirkali



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is withdrawn and transferred to the file of the II Additional Family Court, Chennai, to be heard and disposed of along with O.P.No.1902 of 2023. The learned II Additional Judge, II Additional Family Court, Chennai shall permit the respondent/husband to participate in the proceedings through Video Conference and for all other hearings, if his presence is not essential, he shall be permitted to represent through his counsel.

6. Accordingly, the Transfer Civil Miscellaneous Petition stands allowed. No costs. Consequently, the connected Civil Miscellaneous Petition is closed.

15.07.2024

Index : Yes/No

Neutral Citation : Yes/No

Speaking order / Non-speaking order

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To

1.The Sub-Judge
Sub Court, Sirkali

2.The II Additional Judge
II Additional Family Court, Chennai.



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V.LAKSHMINARAYANAN, J.

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