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Tr.C.M.P. No.683 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 23.08.2024

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THE HON'BLE MR.JUSTICE V.LAKSHMINARAYANAN

**Tr.C.M.P. No.683 of 2024
and C.M.P.No.14757 of 2024**

K.Gayathri

... Petitioner

Vs.

Karthick Narayanan

... Respondent

PRAYER: Transfer Petition filed under Section 24 of Civil Procedure Code to withdraw H.M.O.P.No.266 of 2023 on the file of the Sub Court, Tambaram and transfer the same to the file of the Principal Subordinate Court, Palani along with H.M.O.P.No.23 of 2024.

For the Petitioner	:	Mr.R.Krishnamurthy
For the Respondent	:	Mr.S.Sathrack for Mr.C.D.Sugumar

ORDER

The petitioner is the wife. She married the respondent on 17.04.2017. From the wedlock a girl, Aarna, was born on 07.01.2018. Due to disputes and differences, they have separated. The wife has initiated H.M.O.P.No.23 of 2024 on the file of the Principal Sub Court, Palani, seeking



for restitution of conjugal rights. Prior to this, the husband has initiated H.M.O.P.No.266 of 2023 seeking for dissolution of marriage before the Subordinate Court, Tambaram.

2. The petitioner-wife pleads that residing at Dindugal, she finds it very difficult to travel to Tambaram to attend the hearing of the case. Hence the petition.

3. Notice was ordered in the application and the respondent was served, the respondent entered appearance through Mr.S.Sathrack, learned counsel representing Mr.C.D.Sukumar.

4.Heard, Mr.R.Krishnamoorthy for the petitioner and Mr.S.Sathrack for the respondent.

5.Mr.S.Sathrack, learned counsel would submit that his client has “no objection” for the transfer of the proceedings from Sub Court at Tambaram to the Principal Sub Court, Pazhani.

6. Apart from the no objection that has been tendered by the



respondent-husband, there are two proceedings, one is for restitution of conjugal rights and other one for divorce. Interest of justice requires both the proceedings to be heard by the same Judge and disposed by rendering a common Judgment. The wife is also attending to a child who is aged about 6 years, in addition she is suffering from hearing impairment.

7. Taking into consideration the circumstances, I am inclined to transfer the petition.

8. Accordingly, H.M.O.P.No.266 of 2023 pending on the file of the Sub Court, Tambaram is withdrawn and transferred to the file of the Principal Subordinate Court, Palani. The learned Judge will hear both the H.M.O.P.No.266 of 2023 along with H.M.O.P.No.23 of 2024 and dispose of the same by a common Judgment. During the course of hearing, if the learned Judge feels that the matter can be settled between the parties by mediation, he may refer the parties to the District Mediation Centre.

9. Further, Mr.S.Sathrack, learned counsel submits that the presence of the husband may be dispensed with. Being the Sub Court, the court cannot insist for the appearance of the husband. It is sufficient, if he is present at every essential hearing. On all other non-essential or procedural hearings, he



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will be represented through a counsel.

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10. With the aforesaid directions, this Transfer Civil Miscellaneous Petition is allowed. No costs. Consequently, the connected miscellaneous petition is closed.

23.08.2024

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Index : Yes / No

Internet : Yes / No

Speaking order / Non-speaking order

Neutral citation : Yes / No

To

1.The Sub Judge, Sub Court, Tambaram.

2.The Sub Judge, Sub Court, Palani.



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V.LAKSHMINARAYANAN, J.,

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