



WEB COPY



Tr.C.M.P. Nos. 699 and 109 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.10.2024

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THE HONOURABLE MR. JUSTICE V.LAKSHMINARAYANAN

Tr.C.M.P. Nos. 699 and 109 of 2024

and

C.M.P. Nos. 14963 and 2414 of 2024

In Tr.C.M.P. 699 of 2024

Harikrishnan

... Petitioner / Respondent

Vs.

Anitha

... Respondent / Petitioner

PRAYER: Transfer Miscellaneous Petition is filed under Section 24 of the Code of Civil Procedure, 1908, to withdraw the H.M.O.P. No. 3 of 2024 pending before the Subordinate Court, Mettupalayam and to transfer the same to the file of the Family Court at Pondicherry to try along with the H.M.O.P. No. 683 of 2023.

For Petitioner : Mr. S.Bharathy Kannan

For Respondent : Mr. S.Kamalesh
for Mr. C.Prabakaran

In Tr.C.M.P. 109 of 2024

Anitha

... Petitioner / Respondent



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Harikrishnan

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PRAYER: Transfer Miscellaneous Petition is filed under Section 24 of the Code of Civil Procedure, 1908, to withdraw the H.M.O.P. No. 683 of 2023 pending before the Family Court at Pondicherry and to transfer the same to the file of the Subordinate Court at Mettupalayam to try along with the H.M.O.P. No. 3 of 2024.

For Petitioner : Mr. S.Kamalesh

For Respondent : Mr. S.Bharathy Kannan

COMMON ORDER

Both the transfer petitions are inextricably connected and hence, they are tried together. For the sake of convenience, the parties will be referred to as wife and husband.

2. The parties married each other on 19.11.2020 at Puducherry. Thereafter, the disputes and differences arose and the parties are before the Court. The husband has initiated H.M.O.P. No. 683 of 2023 on the file of the Family Court at Puducherry seeking for divorce. The wife, not wanting to be



left out of the litigation game, has initiated a petition for divorce in H.M.O.P.

No. 3 of 2024 on the same ground before the Sub Court at Mettupalayam.

Pleading that she is not able to travel from Karamadai, where she is residing, to Puducherry to attend the hearing, she has moved Tr.C.M.P. No. 109 of 2024. The husband pleading that he is not able to travel from Puducherry to Mettupalayam on account of personal reasons, has moved Tr.C.M.P. No. 699 of 2024.

3. Heard Mr. N.Arunkumar and Mr. S.Bharathy Kannan for the respective parties.

4. It is not in dispute that the wife is residing in Karamadai in Coimbatore District. She would certainly find it difficult to travel from Karamadai to Puducherry, as they are not directly connected, and would necessarily have to come to Chennai and thereafter travel to Puducherry. This is because, the proceeding is before the Family Court and essentially has to present herself in person. However, since H.M.O.P. No. 3 of 2024 is pending before the Sub Court at Mettupalayam, the husband need not appear for every hearing.



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5. Taking into consideration the convenience of the wife, H.M.O.P. No. 683 of 2023 on the file of the Family Court at Puducherry is withdrawn and transferred to the file of the Sub Court at Mettupalayam to be heard and disposed of along with H.M.O.P. No. 3 of 2024. Being a Subordinate Court, the husband need not appear in person and he can always be represented by a counsel.

6. Accordingly, in the light of the above discussion, Tr.C.M.P. No. 109 of 2024 is ordered and Tr.C.M.P. No. 699 of 2024 stands dismissed. No costs. Consequently, the connected miscellaneous petitions are closed.

18.10.2024

Index : Yes / No

Speaking order : Yes / No

NCC : Yes / No

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To

1. The Subordinate Court at Mettupalayam.

2. The Family Court at Pondicherry.



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V.LAKSHMINARAYANAN, J.,

pal

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