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Tr.C.M.P.No.630 of 2023

THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.07.2024

CORAM :

The Hon'ble MR.JUSTICE V.LAKSHMINARAYANAN

**Tr.C.M.P.No.630 of 2023
and C.M.P.No.15756 of 2023**

K.Kavitha Kumari

.. Petitioner

-VS-

M.Karthikeyan

.. Respondent

Petition filed under Section 24 of CPC to withdraw and transfer the petition pending in H.M.O.P.No.664 of 2022 on the file of Subordinate Judge, Alandur, to the file of Family Court Judge, Namakkal, to be tried along with F.C.O.P.No.85 of 2022.

For Petitioner : Mr.N.K.Arulmuruganandham

For Respondents : Mr.V.Ramana Reddy

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ORDER

The wife is the petitioner herein. She seeks for withdrawal of the proceedings in H.M.O.P.No.664 of 2022 on the file of Subordinate



Tr.C.M.P.No.630 of 2023

Judge at Alandur and transfer the same to the file of Family Court at Namakkal, to be heard and disposed of along with F.C.O.P.No.85 of 2022 pending before that Court.

2. The petitioner and the respondent married on 25.02.2021. Due to differences, the parties separated on 01.05.2021. The husband had preferred H.M.O.P.No.664 of 2022 before the Subordinate Court at Alandur. He has invoked the provisions of the Hindu Marriage Act seeking divorce. The wife has initiated F.C.O.P.No.85 of 2022 on the file of Family Court at Namakkal. She seeks for restitution of conjugal rights. It is her prayer that she has resigned her job on being separated from her husband and being sent to her parental home. She would plead that she is unable to travel from Namakkal to Alandur to attend the hearing. Hence, she moved this Transfer Petition.

3. Notice was ordered in this transfer petition on 25.07.2023. The husband has been served and he has entered appearance through a counsel. The matter was listed on 15.07.2024 and there was no appearance for the respondent. In order to give an opportunity, the matter was again listed on 16.07.2024. Even on that date, there was



Tr.C.M.P.No.630 of 2023

no appearance for the respondent. Finally I posted the matter today and even today, the respondent remains unrepresented.

4. There is no dispute in the relationship between the parties. The wife pleads that she is depending upon her father for the purpose of litigating at Alandur. She would state that being a single woman, she is unable to travel from Namakkal to Chennai and onwards to Alandur to attend the hearing in H.M.O.P.No.664 of 2022. Apart from that, I noticed that the wife has also initiated proceedings for restitution of conjugal rights in F.C.O.P.No.85 of 2022 now pending on the file of Family Court at Namakkal. Interest of justice requires that both the proceedings be heard together.

5. Accordingly, H.M.O.P.No.664 of 2022 on the file of Subordinate Court at Alandur is withdrawn and transferred to the file of Family Court at Namakkal to be heard and disposed of along with F.C.O.P.No.85 of 2022. The husband who is said to be working in Chennai need not appear for every hearing before the Family Court at Namakkal. The Family Court Judge is requested to insist his presence only for hearings which are essential and where the



Tr.C.M.P.No.630 of 2023

appearance of the husband is indispensable. For other hearings, he will be represented through a counsel.

With the aforesaid observation, the Tr.C.M.P. is ordered. No costs.

19.07.2024

Index : Yes/No
Website : Yes/No
Speaking/Non-speaking Order

sra

To

1. The Subordinate Judge,
Alandur.
2. The Family Court,
Namakkal.



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Tr.C.M.P.No.630 of 2023

V.Lakshminarayanan, J.

(sra)

Tr.C.M.P.No.630 of 2023

19.07.2024