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Tr.C.M.P.No.908 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04..10..2024

Coram

THE HONOURABLE MR.JUSTICE V.LAKSHMINARAYANAN

Transfer Civil Miscellaneous Petition No.908 of 2024

and

C.M.P.No.19857 of 2024

Divya Ravishankar

..... Petitioner

-Versus-

1.Vishoo Anand

2.Manoj Kumar

..... Respondents

Petition filed under Section 24 of the Code of Civil Procedure,1908, to withdraw I.A. No.2 of 2024 in F.C.O.P. No.44 of 2023 pending on the file of the Family Court, Chengalpattu and transfer the same to the file of the V Additional Family Court, Chennai.

For Petitioner : Mr.Rahul Jagannathan

*For Respondent : Mr.T.Surendran for R1
R2 – Not ready in notice*



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ORDER

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This Transfer Civil Miscellaneous Petition is filed seeking to withdraw the application in I.A. No.2 of 2024 in F.C.O.P. No.44 of 2023 pending on the file of the Family Court, Chengalpattu, and to transfer the same to the file of the V Additional Principal Judge, Family Court, Chennai.

2. Heard Mr. Rahul Jaganathan for the petitioner and Mr. T. Surendran for the 1st respondent.

3. The petitioner is the wife. She married the respondent on 02.05.2016. From the wedlock, a female child was born on 25.01.2020. The child is in the custody of the mother. Pleading that he is entitled to divorce, the respondent/husband has initiated O.P.No.2597 of 2022 before the learned V Additional Principal Judge, Family Court, Chennai. That petition seems to have been dismissed for default. Round about the same time, the respondent/husband moved another petition in F.C.O.P.No.44 of 2023 on the file of the learned Judge, Family Court, Chengalpattu, for divorce. Though several allegations are levelled by Mr.Rahul Jaganathan for the petitioner on the manner in which summons were said to have been served on the petitioner/wife, I am not going into the merits of such a claim, as an application to set aside the ex parte decree is pending in I.A.No.2 of 2024. As the petitioner/wife has moved for an order of



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maintenance against the respondent/husband in M.C.No.418 of 2022 on the file of the V Additional Principal Judge, Family Court, Chennai, it is better both the proceedings are tried together.

4. Accordingly, the application in I.A.No.2 of 2024 in F.C.O.P.No.2023 pending on the file of the learned Judge, Family Court, Chengalpattu is withdrawn and transferred to the file of the learned V Additional Principal Judge, Family Court, Chennai. It is made clear that I have not gone into the allegations that had been levelled against the respondent/husband as regards service of summons. It is for the parties to prove the same before the learned V Additional Principal Judge, Family Court, Chennai.

With the above directions, this Transfer Civil Miscellaneous Petition is allowed. No costs. Consequently, connected CMP is closed.

Index : yes / no
Neutral Citation : yes / no
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To

- 1.The Family Court, Chengalpet.
- 2.The V Additional Principal Judge, Family Court, Chennai.



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V.LAKSHMINARAYANAN.J.,

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