



Tr CMP No.726 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.09.2024

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THE HON'BLE MR.JUSTICE V.LAKSHMINARAYANAN

Tr CMP No.726 of 2024 &
CMP.No.15964 of 2024

Caroline Elizabeth Sulochana : Petitioner

versus

A.Anish Davis : Respondent

Prayer: Petition filed under Section 24 of the Constitution of India to withdraw the case in IDOP.No.128 of 2023 on the file of the District Court at Thiruvallur and transfer the same to the file of the II Additional Family Court at Chennai in IDOP.No.3401 of 2023.

For Petitioner : Mr.M.Padmanaban

For Respondent : Mr.B.Balamurali

ORDER

The petitioner is the wife. Her marriage with the respondent was



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solemnized on 11.07.2019. From the wedlock, two children have been born on 09.09.2020 and 22.12.2022. Due to disputes and differences, the parties have separated. The wife has moved IDOP.No.3401 of 2023 on the file of the II Additional Family Court at Chennai seeking restitution of conjugal rights. The husband has filed IDOP.No.128 of 2023 on the file of the District Court at Tiruvallur seeking divorce. Hence this transfer.

2. I have heard Mr.M.Padmanaban for the petitioner and Mr.B.Balamurali for the respondent.

3. Mr.B.Balamurali would plead that the husband has no objection for the transfer of IDOP proceedings from Tiruvallur to Chennai.

4. Apart from no objection, I have to consider the convenience of the wife. She is a resident of Chennai and is taking care of two children, aged 4 and 2, respectively. She has expressed her difficulty in traveling and I am able to appreciate the difficulty to traveling from Chennai to Tiruvallur. Furthermore, since two proceedings have arisen, one seeking divorce and



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other for restitution of conjugal rights, the interest of justice requires that both proceedings be tried together.

5. Accordingly, IDOP No.128 of 2023 is withdrawn from the file of the District Court at Tiruvallur and is transferred to the file of the II Additional Family Court at Chennai to be heard and disposed of along with IDOP No.3401 of 2023. The Additional Family Court at Chennai need not insist upon the appearance of the respondent/husband for every hearing except the non-essential and procedural hearings. For all other hearings, he may be represented through a counsel.

6. With the above directions, this transfer civil miscellaneous petition is allowed. No costs. Consequently, the connected miscellaneous petition is closed.

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Index : Yes/No

Speaking Order/Non-speaking order

Neutral Citation : Yes/No

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1.The District Court at Tiruvallur

2.The Additional Family Court at
Chennai



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V.LAKSHMINARAYANAN, J.

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