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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.11.2024

CORAM

THE HON'BLE MR.JUSTICE **V.LAKSHMINARAYANAN**

Tr. C.M.P.No.763 of 2024
and
C.M.P.No.16635 of 2024

G.Rohini ... Petitioner

versus

V.Hemanathan ... Respondent

Prayer: Petition filed under Section 24 of the Code of Civil Procedure to withdraw and transfer H.M.O.P.No.155 of 2024 pending on the file of the Subordinate Court, Kancheepuram to the file of the Subordinate Court, Tambaram.

For Petitioner : Mr.M.Vijaya Kumar

For Respondent : No appearance

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ORDER

The petitioner is the wife. She married the respondent on 03.03.2023. Thereafter, they have separated. The wife has filed H.M.O.P.No.137 of 2024 for restitution of conjugal rights before the Sub Court, Tambaram. She has also presented the D.V.C.No.21 of 2024 on the file of the Judicial Magistrate No.1 at Tambaram.

2. The husband has initiated the proceedings in H.M.O.P.No.155 of 2024 seeking for divorce before the Principal Sub Court, Kancheepuram. Hence, the wife filed this petition to transfer the said proceedings from Kancheepuram to Tambaram.

3. Notice was ordered on 08.08.2024. The respondent has been served on 13.08.2024. He has not entered appearance through a counsel nor as he present in person to oppose the petition for transfer. Since two proceedings are already pending in Tambaram, no prejudice will be caused to the respondent, if this proceeding is transferred to Tambaram.

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4. Further, one being a petition for restitution of conjugal rights and other being for divorce, the interest of justice requires both the proceedings are tried together.

5. Accordingly, the proceeding in H.M.O.P.No.155 of 2024 is withdrawn from the file of the Subordinate Court, Kancheepuram and is transferred to the file of the Subordinate Court, Tambaram. 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 Case : Yes/No

To

1.The V Additional Family Judge, Chennai.

2.The Judicial Magistrate cum District Munsif, Pallavaram.

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V.LAKSHMINARAYANAN, J.

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