



WEB COPY



Tr.CMP.No.758 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.06.2024

CORAM

THE HONOURABLE MR.JUSTICE V.LAKSHMINARAYANAN

Tr.CMP.No.758 of 2023
and
C.M.P.Nos.18388 & 18565 of 2023

K.Vaijayanthi

.. Petitioner

Vs.

D.Arul

.. Respondent

Prayer : The Transfer Civil Miscellaneous Petition is filed under Section 24 of the Code of Civil Procedure, to withdraw the proceeding in H.M.O.P.No.59 of 2023 pending on the file of the Principal Sub Court at Villupuram and transfer the same to the file of any other Family Court at Chennai.

For Petitioner : Mr.A.Tamilvanan

For Respondent : Mr.V.Devasenathipathi

ORDER

The petitioner and the respondent were married on 22.01.2018.

However, they have developed differences and are staying separately.

2. The petitioner/wife is residing at West Mambalam and the



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respondent/husband is residing at Villupuram. The wife has initiated the proceeding in H.M.O.P.No.973 of 2023 said to be pending on the file of the Family Court at Chennai for declaration that the marriage is null and void.

3. The husband has initiated the proceeding in H.M.O.P.No.59 of 2023 for restitution of conjugal rights before the learned Principal Subordinate Judge at Villupuram.

4. Both sides agreed that due to the bifurcation of jurisdiction, the proceeding is now pending before the Sub Court at Tirukoilur and renumbered as H.M.O.P.No.60 of 2023. Considering the distance of travel between Villupuram and Chennai would be around 300 Kms to and fro, I am inclined to consider this transfer petition. Apart from the convenience of the wife, the other reason I have considered for this transfer is that, there should not be a conflict of judgments in both the proceedings.

5. Hence, the proceeding in H.M.O.P.No.59 of 2023 on the file of the Principal Subordinate Judge at Villupuram now re-numbered as H.M.O.P.No.60 of 2023 now pending on the file of the learned Subordinate



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Judge at Tirukoilur is withdrawn and it shall stand transferred to the file of the Family Court at Chennai to be heard and disposed of along with H.M.O.P.No.973 of 2023.

6. The learned Family Judge at Chennai is requested not to insist on the presence of the husband for every hearing, but he shall be directed to be present only for such hearings where his presence is indispensable. On the other hearings, he may be represented through a counsel.

7. Accordingly, the Transfer Civil Miscellaneous Petition stands allowed. No costs. The connected Civil Miscellaneous Petitions are closed.

04.06.2024

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Index:Yes/No

Speaking Order :Yes/No

Neutral Citation:Yes/No

V. LAKSHMINARAYANAN, J.



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To

- 1.The Principal Sub Court,
Villupuram
- 2.The learned Subordinate Judge,
Tirukoilur
- 3.The Family Court,
Chennai

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and
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