



WEB COPY



Tr.CMP.No.754 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.06.2024

CORAM

THE HONOURABLE MR.JUSTICE V.LAKSHMINARAYANAN

Tr.CMP.No.754 of 2023

and

C.M.P.No.18313 of 2023

Rinky

.. Petitioner

Vs.

Deepak Kumar

.. 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.87 of 2021 on the file of the learned Subordinate Judge at Cheyyar and transfer the same to the file of the Family Court at Salem to be tried along with H.M.O.P.No.426 of 2021.

For Petitioner : Mr.G.Jayachandran

For Respondent : Mr.K.Raju
for M/s.A.R.Nixon

ORDER

The petitioner and the respondent were married on 01.05.2012 at Jutta Village, Pali District in Rajasthan.



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2. From the wedlock, a male child was born in the year 2017.

Unfortunately, within a period of one year, the child has passed away.

Subsequently, the parties have developed differences and they are living separately.

3. The petitioner/wife is a resident of Salem and she has initiated proceeding for restitution of conjugal rights in H.M.O.P.No.426 of 2021 on the file of the Family Court at Salem. The husband has initiated proceeding for divorce in H.M.O.P.No.87 of 2021 on the file of the learned Subordinate Judge at Cheyyar.

4. The petitioner/wife states that the distance between Cheyyar and Salem is around 300 Kms and is unable to travel as she has no assistance.

5. Heard Mr.G.Jayachandran, appearing on behalf of the petitioner and Mr.K.Raju, representing M/s.A.R.Nixon, appearing on behalf of the respondent.

6. In order to avoid conflict of judgments and also considering the



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interest of the wife, I am inclined to allow this transfer petition. Hence, the proceeding in H.M.O.P.No.87 of 2021 pending on the file of the learned Subordinate Judge at Cheyyar is withdrawn and it shall stand transferred to the file of the Family Court at Salem to be heard and tried along with H.M.O.P.No.426 of 2021.

7. The learned Family Judge at Salem 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.

8. Accordingly, the Transfer Civil Miscellaneous Petition stands allowed. No costs. The connected Civil Miscellaneous Petition is 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 learned Subordinate Judge,
Cheyyar

2.The Family Court,
Salem

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and
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