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Tr.CMP No.925 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.06.2024

CORAM :

THE HONOURABLE MR.JUSTICE V. LAKSHMINARAYANAN

TR.CMP No.925 of 2023
and C.M.P.No.22146 of 2023

J.Amala Vinodhini

.... Petitioner

-Vs-

P.Amal Arokiyadass

.... Respondent

Prayer : Transfer Civil Miscellaneous Petition under Section 24 of C.P.C., to withdraw I.D.O.P.No.84/2023 from the file of District Judge, Trichy and transfer the same to Additional District Court, Mettur to be tried along with I.D.O.P.No.160 of 2023.

For Petitioner : Mr.R.Vivekanandan

For Respondent : Mr.T.Annamalai

ORDER

The petitioner and the respondent were married as per the Christian rites and customs on 22.08.2016. From the wedlock, a child was born on 08.12.2018. The petitioner states that from September 2021 she has been living separately from her husband on account of the fact that the husband turned her out of the matrimonial home. The girl child is six years old as on today. The husband initiated divorce proceedings in I.D.O.P.No.84 of 2023 on the file of the District Judge, Tiruchirapalli.



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The petitioner being a resident of Mettur Dam is unable to travel along with the child from her parents house to Tiruchirapalli to attend every hearing. She would therefore plead that the proceedings be withdrawn from the file of District Judge, Tiruchirapalli and transferred to the file of the Additional District Court at Mettur.

2. The husband states that he will have difficulties travelling from Tiruchirapalli to Mettur and therefore would seek for the proceedings to be retained on the file of the District Judge at Tiruchirapalli.

3. Furthermore, the wife has initiated proceedings in I.D.O.P.No.160 of 2023 on the file of the Additional District Court at Mettur. Since one is the proceedings for divorce and the other is proceedings for restitution of conjugal rights, there cannot be conflicting judgments by two Courts.

4. Taking into consideration that from the marriage there is a girl child aged about six years and that the distance between Tiruchirapalli and Mettur is considerable, I am of the view that the proceedings be transferred to the file of the District Court at Mettur.

5. Since the husband is any way travelling to Mettur for attending the proceedings initiated for restitution of conjugal rights, I am withdrawing the proceedings in I.D.O.P.No.84 of 2023 from the file of the District Judge at



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Tiruchirapalli and transferring it to the file of the Additional District Judge at Mettur, to be heard and disposed of along with I.D.O.P.No.160 of 2023. The Transfer C.M.P. is allowed. No costs. Consequently, connected miscellaneous petition is closed.

10.06.2024

Index : Yes/No

Neutral Citation : Yes/No

KST

To

- 1.The District Judge, Tiruchirapalli.
- 2.The Additional District Judge, Mettur.



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V. LAKSHMINARAYANAN, J.

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