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Tr Cmp.No.820 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.02.2024

CORAM

THE HONOURABLE MR.JUSTICE V.SIVAGNANAM

Tr CMP.No.820 of 2023

and

CMP.No.19910 of 2023

A.Nithya

... Petitioner

/vs/

Venkat Ravichandran

... Respondent

PRAYER : This Transfer Civil Miscellaneous Petition has been filed under Section 24 of Civil Procedure Code to withdraw the case in HMOP No.2723 of 2023 from the file of the II Additional Family Court, Chennai and transfer the same to the Principal Family Court, Chennai, since a similar case with the same cause of action in HMOP No.2560/2023 is pending before the Principal Family Court, Chennai.

For Petitioner ... Ms.Rohini Ravikumar

For Respondent ... Mr.Suchit Anand

ORDER



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This Transfer Civil Miscellaneous Petition has been filed to withdraw the case in HMOP No.2723 of 2023 from the file of the II Additional Family Court, Chennai and transfer the same to the Principal Family Court, Chennai, since a similar case with the same cause of action in HMOP No.2560/2023 is pending before the Principal Family Court, Chennai.

2. The petitioner is wife and the respondent is husband. The petitioner herein has filed HMOP No.2560/2023 before the Principal Judge, Family Court, Chennai for restitution of conjugal rights. Subsequently, the respondent herein has filed HMOP No.2723/2023 before the II Additional Judge, Family Court, Chennai seeking divorce. Since both the cases are pending in different courts on different dates, the petitioner is prejudiced while attending both the cases on different dates. Hence the HMOP No.2723 of 2023 may be transferred to the Principal Family Court, Chennai and both the cases may be directed to club together to facilitate joint proceedings, so as to save the precious time and avoid delay in adjudication.

3. When the matter is taken up for hearing, the learned counsel for the respondent submitted that, the case in HMOP No.2560/2023 may be



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transferred to the file of II Additional Family Court, Chennai for simultaneous trial with HMOP No.2733/2023.

4. In reply to the above, the learned counsel for the petitioner submitted that the petitioner has no objection to transfer the HMOP No.2560/2023 from the file of the Principal Family Court, Chennai to the II Additional Family Court, Chennai. She further submitted that the personal appearance of the petitioner may be dispensed with before the Trial Court.

5. In view of the submission made by the learned counsel for either side, this Court is inclined to transfer the case, as requested by both the counsel.

6. Accordingly, H.M.O.P.No.2560/2023 is hereby directed to be withdrawn from the file of the learned Principal Judge, Family Court, Chennai and transferred to the II Additional Family Court, Chennai. The learned Principal Judge, Family Court, Chennai is directed to send the entire records to the II Additional Family Court, Chennai, within a period of



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two weeks from the date of receipt of a copy of this order and on receiving the same, the learned Judge, II Additional Family Court, Chennai is directed to issue notice to both the parties and conduct either joint trial or simultaneous trial in HMOP No.2560/2023 and HMOP No.2733/2023 and dispose of the cases on merits as early as possible. As far as the dispensation of personal appearance of the parties before the Trial Court is concerned, the same has to be decided by the learned II Additional Judge, Family Court, Chennai, by considering the submission made by the learned counsel for both the parties.

6. With the above direction, the Transfer Civil Miscellaneous Petition is disposed of. No costs. Consequently, the connected miscellaneous petition is closed.

Index : Yes/No
Internet : Yes/No
mst

16.02.2024

To

- 1.The Principal Judge, Family Court, Chennai.
- 2.The II Additional Judge, Family Court, Chennai



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V.SIVAGNANAM ,J.

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