



Tr.C.M.P.No.952 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

WEB COPY

DATED : 10..09..2024

Coram

THE HONOURABLE MR.JUSTICE V.LAKSHMINARAYANAN

Transfer Civil Miscellaneous Petition No.952 of 2023

and

C.M.P.No.22949 of 2023

Dr.V.Kaviya

..... Petitioner

-Versus-

Mr.Dinesh Kumar

..... Respondent

Petition filed under Section 24 of the Code of Civil Procedure,1908, praying to pass an order withdrawing the case in H.M.O.P.No.130 of 2022 on the file of the learned Judge, Family Court at Pudukottai, and transferring the same to the file of the Family Court at Chennai, to be tried along with H.M.O.P.No.3934 of 2023.

For Petitioner : *Mr.M.Leoprabhu*

For Respondent : *Ms.A.Priya*



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ORDER

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2. The wife is the petitioner in this transfer civil miscellaneous petition. She is a doctor. The parties entered into matrimony on 10.11.2021 at Pudukkottai. Thereafter, due to disputes and differences, the parties have separated. The petitioner is undergoing her Master's Degree in Radiology in Bangalore. The respondent/husband is working as a Professor at the Department of Mechanical Engineering in National Institute of Technology (NIT), Hazratbal, Srinagar, Jammu and Kashmir. As the marriage had taken place in Pudukkottai, the respondent/husband has initiated a proceeding in H.M.O.P.No.130 of 2022 on the file of the Family Court at Pudukkottai. Thereafter, the petitioner/wife has initiated a proceeding before the Family Court at Chennai in H.M.O.P.No.3934 of 2023.

3. The petitioner/wife pleads that she finds it very difficult to travel from Bangalore to Chennai and thereafter to Pudukkottai for the purpose of defending the case. Hence, this transfer petition.



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4. Notice was ordered in the transfer petition on 10.10.2023 and Ms.A.Priya entered appearance for the respondent/husband.

5. Heard Mr.Suresh Sakthi Murugan for the petitioner and Ms.A.Priya, on behalf of Mr.Mohammed Mushin for the respondent/husband.

6. The aforesaid facts would go to show that both parties are not residents of Chennai. One is residing in Bangalore and the other is in the State of Jammu and Kashmir. The petitioner/wife being a student, she would certainly find it difficult to travel from Bangalore to Chennai and onwards to Pudukkottai which are separated by a considerable distance. Apart from that, the wife has already initiated a proceeding for divorce in H.M.O.P.No.3934 of 2023 on the file of the Family Court at Chennai. Interest of justice requires that the petition filed for restitution of conjugal rights be heard along with the petition for divorce. This is in order to avoid conflict of verdicts.

7. Taking into consideration the convenience of the petitioner/wife as well as that of the respondent/husband and since two proceedings are pending before two different courts relating to the same parties, I am inclined to accept the transfer. Accordingly, H.M.O.P.No.130 of 2022 pending on the file of the Family Court at Pudukkottai is withdrawn and the same is transferred to the file of the Family Court at Chennai to be heard and disposed of along with H.M.O.P.No.3934 of 2023.



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The Transfer Miscellaneous Petition is allowed accordingly with the above directions. No costs. Consequently, connected CMP is closed.

Index : yes / no
Neutral Citation : yes / no
Speaking / Non Speaking Order
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10..09..2024

To

- 1.The Judge, Family Court, Pudukkottai, Pudukkottai District.
- 2.The VII Additional Principal Judge, Family Court, Chennai.



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V.LAKSHMINARAYANAN.J.,
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