



Tr Cmp.No.1038 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.01.2024

CORAM

THE HONOURABLE MR.JUSTICE V.SIVAGNANAM

Tr CMP.No.1038 of 2023

and

CMP.No.25197 of 2023

C.V.Christiyana Joshiba	...	Petitioner
	/vs/	
Suresh P.S Shajin	...	Respondent

PRAYER : This Transfer Civil Miscellaneous Petition has been filed under Section 24 of Civil Procedure Code to withdraw and transfer the I.D.O.P.No.496 of 2023 from the file of Family Court, Nagercoil at Kanyakumari to Family Court at Chennai.

For Petitioner	...	Mr.Jerry V.V.Sundar
For Respondent	...	Mr.G.Anto Prince (through Video conferencing)

ORDER

This Transfer Civil Miscellaneous Petition has been filed to withdraw and transfer the I.D.O.P.No.496 of 2023 from the file of the Family Court, Nagercoil at Kanyakumari to the Family Court at Chennai.



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2.The learned counsel appearing for the petitioner submitted that earlier the petitioner/wife filed Tr.C.M.P.No.1001 of 2023 before this Court to transfer the IDOP.No.485 of 2023 from the file of the Family Court, Nagercoil at Kanyakumari to the Family Court, Chennai, which was ordered on 16.10.2023. Therefore, he prayed that IDOP No.496 of 2023 on the file of the Family Court, Nagercoil at Kanyakumari filed by the respondent/husband may be transferred to Family Court, Chennai.

3.Heard the learned counsel appearing for the respondent and he has no objection to transfer the IDOP No.496 of 2023 on the file of the Family Court, Nagercoil at Kanyakumari to Family Court, Chennai.

4.On perusal of the records, it is noticed that earlier the petitioner/wife filed Tr.C.M.P.No.1001 of 2023 before this Court to transfer the IDOP.No.485 of 2023 from the file of the Family Court, Nagercoil at Kanyakumari to the Family Court, Chennai, which was ordered on 16.10.2023. The IDOP.No.496 of 2023 has been filed by the



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respondent/husband for restitution of conjugal rights before the Family Court, Nagarkovil at Kanyakumari. Since the divorce petition in IDOP No.485 of 2023 filed by the petitioner/wife has been transferred to Family Court, Chennai from the file of the Family Court, Nagercoil, the IDOP No.496 of 2023 filed by the respondent/husband for restitution of conjugal rights has to be enquired along with the divorce petition in IDOP No.485 of 2023 filed by the wife.

5.In view of the above, IDOP No.496 of 2023 is directed to be withdrawn from the file of the Family Court, Nagercoil at Kanyakumar and transferred the same to the Family Court, Chennai and the Family Court, Nagercoil is directed to send the entire records to the Family Court, Chennai, within a period of two weeks from the date of receipt of a copy of this order and on receiving the same, the Family Judge, Chennai is hereby directed to conduct enquiry along with IDOP No.485 of 2023, which was already transferred.



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In the result, the Transfer Civil Miscellaneous Petition is allowed.

No costs. Consequently, connected miscellaneous petition is closed.

Index : Yes/No
Internet : Yes/No
sms

10.01.2024

To

1.Family Court, Nagercoil
at Kanyakumari.

2.Family Court, at Chennai.



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V.SIVAGNANAM ,J.

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