



Tr.CMP.No.1120 of 2023

WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.07.2024

CORAM

THE HONOURABLE MR.JUSTICE V.LAKSHMINARAYANAN

Tr.CMP.No.1120 of 2023

and

C.M.P.No.26823 of 2023

G.Karunakaran

.. Petitioner

Vs.

A.Sundhari

.. 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.145 of 2023 pending on the file of the Family Court at Villupuram and transfer the same to the file of the Sub Court at Poonamallee to try along with H.M.O.P.No.422 of 2023.

For Petitioner : Mr.K.Venkateswaran

For Respondent : Served, No Appearance



Tr.CMP.No.1120 of 2023

WEB COPY

ORDER

The husband is the petitioner before me. He is the resident of Kattupakkam in Thiruvallur District.

2. He married the respondent on 27.11.2020 at Villupuram. Thereafter, both the petitioner and the respondent set up their matrimonial home at Kattupakkam. Due to disputes and differences, the parties have separated.

3. The husband has initiated the proceeding in H.M.O.P.No.422 of 2023 before the Sub Court at Poonamallee seeking divorce on the grounds of cruelty and desertion. The wife has initiated the proceeding in H.M.O.P.No.145 of 2023 before the Family Court at Villupuram.

4. The petitioner/husband pleads that the distance between Chennai and Villupuram is about 200 Kms, and since he is jobless, he wants the proceeding in H.M.O.P.No.145 of 2023 be withdrawn from the file of the Family Court at Villupuram and transferred to the file of the Sub Court at



Tr.CMP.No.1120 of 2023

Poonamallee.

WEB COPY

5. But it would be more difficult for the wife to travel a distance of 200 Kms than the difficulties that will be caused to the husband if the proceeding is withdrawn from the file of the Sub Court at Poonamallee and transferred to the file of the Family Court at Villupuram. I am of the view that the divorce proceeding and the restitution of conjugal rights proceeding deserve to be tried by the same learned Judge.

6. Hence, the proceeding in H.M.O.P.No.422 of 2023 pending on the file of the Sub Court at Poonamallee is withdrawn and it shall stand transferred to the file of the Family Court at Villupuram to be heard and disposed of along with H.M.O.P.No.145 of 2023.

7. I am passing this order by taking into consideration the difficulties that the wife will face, in case, the proceeding is transferred from the file of the Family Court at Villupuram to the file of the Sub Court at Poonamallee.

8. The learned Family Judge at Villupuram is requested not to insist



Tr.CMP.No.1120 of 2023

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.

9. Accordingly, the Transfer Civil Miscellaneous Petition stands ordered. No costs. The connected Civil Miscellaneous Petition is closed.

23.07.2024

mkn2

Index:Yes/No

Speaking Order :Yes/No

Neutral Citation:Yes/No



WEB COPY



Tr.CMP.No.1120 of 2023

V. LAKSHMINARAYANAN, J.

mkn2

To

- 1.The learned Family Judge,
Villupuram
- 2.The learned Subordinate Judge,
Poonamallee

Tr.CMP.No.1120 of 2023
and
C.M.P.No.26823 of 2023

23.07.2024