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Tr.CMP.No.1112 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

**DATED : 04.06.2024**

CORAM

**THE HONOURABLE MR.JUSTICE V.LAKSHMINARAYANAN**

**Tr.CMP.No.1112 of 2023**

**and**

**C.M.P.No.26736 of 2023**

A.Mangalasundari

.. Petitioner

Vs.

B.Senthilnathan

.. Respondent

**Prayer** : The Transfer Civil Miscellaneous Petition is filed under Section 24 of the Code of Civil Procedure, to withdraw the proceeding in O.P.No.380 of 2023 on the file of the Sub Court at Alandur and transfer the same to the file of the Family Court at Karaikal to be tried along with H.M.O.P.No.25 of 2023.

For Petitioner : Mr.M.Mahamani

For Respondent : Served, No Appearance

**ORDER**

The petitioner is the wife. She has initiated proceeding in H.M.O.P.No.25 of 2023 on the file of the Family Court at Karaikal. She now seeks transfer of proceeding initiated by the husband for restitution of conjugal rights in O.P.No.380 of 2023 pending on the file of the Sub Court



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at Alandur.

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2. The petitioner/wife states that she is a temporary employee and is not in a position to take holidays to attend the Court hearings. She also pleads that her mother, being a Tuberculosis patient, is taken care of by her as she is the sole earning member in her family.

3. The respondent though served with the notice has not entered appearance neither through a counsel nor present in person to oppose this application.

4. Taking into consideration the convenience of the wife and also the fact that there must not be conflict of judgments by both the Courts in Karaikal and Alandur, I am inclined to allow this transfer petition. Hence, the proceeding in O.P.No.380 of 2023 pending on the file of the Sub Court at Alandur is withdrawn and it shall stand transferred to the file of the Family Court at Karaikal to be heard and disposed of along with H.M.O.P.No.25 of 2023.

5. The learned Family Judge at Karaikal is requested not to insist on



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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.

6. Accordingly, the Transfer Civil Miscellaneous Petition stands allowed. No costs. The connected Civil Miscellaneous Petition is closed.

**04.06.2024**

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Index:Yes/No

Speaking Order :Yes/No

Neutral Citation:Yes/No



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**V. LAKSHMINARAYANAN, J.**

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To

1.The Sub Court,  
Alandur

2.The Family Court,  
Karaikal

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**and**  
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