



WEB COPY



Tr.C.M.P.No.1207 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.04.2024

CORAM

THE HON'BLE MR.JUSTICE V. LAKSHMINARAYANAN

Tr.C.M.P.No.1207 of 2023 and
C.M.P.No.28877 of 2023

S.Padmavathi

... Petitioner

Vs

D.Maheshwaran

...

Respondent

Prayer : Petition filed under Section 24 of the Code of Civil Procedure praying to withdraw the cases in H.M.O.P.No.346 of 2023 pending before the Hon'ble II Additional Family Court, Chennai and transfer the same to the Court of learned Family Judge, Salem District and tried along with H.M.O.P.No.673 of 2023 filed by the petitioner is pending before the Court of learned Family Judge, Salem.

For Petitioner : Mr.C.Rajaguru

For Respondent : Mr.K.Sakthivel

ORDER

The wife seeks transfer of H.M.O.P.No.346 of 2023 pending on the file of the II Additional Family Court at Chennai to be heard and tried along with H.M.O.P.No.673 of 2023 pending on the file of the Family Court at Salem.



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2. The husband has initiated divorce proceedings before the Family Court at Chennai. The wife has initiated proceedings for restitution of conjugal rights before the Family Court at Salem.

3. In order to avoid conflict of judgments, it is better that both the proceedings are heard together and disposed off by the same Judge.

4. Learned counsel for the respondent has no objection for the transfer of the proceeding from Chennai to Salem.

5. Taking into consideration the convenience of the wife as well as the fact that the husband has no objection for the transfer, the proceedings in H.M.O.P.No.346 of 2023 are withdrawn from the file of the Family Court at Chennai and transferred to the file of the Family Court at Salem. The learned Family Judge at Salem need not insist upon the presence of the husband for all hearings. For procedural and non-essential hearings, the husband may be represented by a counsel. For all other hearings where his presence is indispensable, he shall appear in person.



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6. With the above observations, the Tr.C.M.P. is allowed. No costs.

Consequently, connected miscellaneous petition is closed.

15.04.2024

Index : Yes/No

Neutral Citation : Yes/No

Sgl

To

1.The Family Court, Chennai.

2.The Family Court, Salem.



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V. LAKSHMINARAYANAN, J.

Sgl

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