



Tr. CMP Nos.1303, 1305 & 1141 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.12.2024

CORAM :

THE HON'BLE MR.JUSTICE V.LAKSHMINARAYANAN

Tr. CMP Nos.1303, 1305 & 1141 of 2024
and C.M.P.No.23484 of 2024

S.Ve.Jaganathan

.. Petitioner in Tr.CMP.Nos.1303 & 1305 of 2024 &
Respondent in Tr.CMP.No.1141 of 2024

Versus

A.Prathyusha
&

.. Respondent in Tr.CMP.Nos.1303 & 1305 of 2024

Petitioner in Tr.CMP.No.1141 of 2024

Prayer in Tr.CMP.No.1303 of 2024 : Transfer Petition filed under Section 24 of the Code of Civil Procedure to withdraw the HMOP.No.53 of 2024 on the file of the Sub Court at Alandur and transfer the same to the file of the Family Court at Chengalpet.

Prayer in Tr.CMP.No.1305 of 2024 : Transfer Petition filed under Section 24 of the Code of Civil Procedure to withdraw the GWOP.No.21 of 2024 on the file of the Principal District Court at Chengalpet and transfer the same to the file of the Family Court at Chengalpet.



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Prayer in Tr.CMP.No.1141 of 2024 : Transfer Petition filed under Section 24 of the Code of Civil Procedure to withdraw the HMOP.No.374 of 2024 on the file of the Family Court at Tirupur and transfer the same to the file of the Family Court at Chennai.

For Petitioner in Tr.CMP.
Nos. 1303 & 1305 of 2024 &
for respondent in Tr.CMP.
No.1141 of 2024 : Mr.V.M.Venkatramana

For Respondent in Tr.CMP.
Nos. 1303 & 1305 of 2024 &
for petitioner in Tr.CMP.
No.1141 of 2024 : Mr.Vikram Ramakrishnan

COMMON ORDER

These three transfer petitions related to proceedings in HMOP.No.53 of 2024 on the file of the Sub Court at Alandur, GWOP.No.21 of 2024 on the file of the Principal Subordinate Court at Chengalpet and HMOP.No.374 of 2024 on the file of the Family Court at Tiruppur.

2. For the sake of convenience, the parties will be referred to as husband and wife.



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3. There is no dispute in the relationship between the parties. The parties solemnised their wedding on 03.06.2022 at Tiruppur. From the wedlock, a child was born on 10.03.2023. Subsequently, the parties have separated. The husband has initiated HMOP.No.374 of 2024 seeking restitution of conjugal rights . The wife initiated HMOP.No.53 of 2024 seeking for divorce. She has also presented GWOP.No.21 of 2024 seeking guardianship of the child. Each of these proceedings are pending before the courts as aforesaid. In none of the proceedings, trial has commenced. Hence, both of them moved these transfer petitions.

4. I heard Mr.V.M.Venkatramana for the husband and Mr.Vikram Ramakrishnan for the wife.

5. A perusal of the papers shows that the wife is a resident of Okkiyam, Thruraippakam at Chennai. The husband is a resident of Tiruppur. Both of them will face difficulties, if the proceedings are transferred to the Family Court at Chengalpet, as sought for by the husband.



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6. At the same time, being three different proceedings between the same parties, it is in the interest of parties that all the proceedings are heard by one Judge and disposed of by a common judgment.

7. Taking into consideration the fact that Tiruppur is well connected with Chennai and Okkiyam, Thuraipakkam, which is situated within Chennai, it is better for the parties to appear before the Family Court at Chennai for all three proceedings. Both the counsel had no objection for this course of action. Accordingly, HMOP.No.53 of 2024 on the file of the Sub Court at Alandur, GWOP.No.21 of 2024 on the file of the Principal District Court at Chengalpet and HMOP.No.374 of 2024 pending on the file of the Family Court at Tiruppur are withdrawn and transferred to the file of the Family Court at Chennai.

8. The Family Court at Chennai shall not insist upon the appearance of the husband for every hearing. He shall appear as and when directed by the Family Court by a specific order to that effect or when his presence is indispensable. For all other hearings, he will be represented by a counsel.



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9. With the above observations, all the three transfer petitions are ordered. No costs. Consequently, the connected miscellaneous petitions are closed.

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Index : Yes / No

Speaking order / Non-speaking order

Neutral Citation : Yes / No

To

- 1.The Sub Court at Alandur
- 2.The Principal District Court at Chengalpet
- 3.The Family Court at Tiruppur
- 4.The Family Court at Chennai.



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V.LAKSHMINARAYANAN, J.

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