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TR CMP No.188 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:26.02.2024

CORAM

THE HONOURABLE MR. JUSTICE V.SIVAGNANAM

TR CMP No.188 of 2024

Dr.R.K.Dharani

... Petitioner

Vs.

Dr.M.Atharsh Chander

...Respondent

PRAYER: Transfer Civil Miscellaneous Petition filed under Section 24 of Civil Procedure Code, 1908 to withdraw HMOP No.1 of 2022 pending on the file of the Principal Subordinate Court at Chengalpet and transfer the same to the Subordinate Court at Tiruvottiyur to be tried along with HMOP No.347 of 2023 and pass orders.

For Petitioner : Ms.Minnie

For Respondent : Mr.S.S.Selvathirumurugan
for Ms.T.Divya



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ORDER

The Transfer Civil Miscellaneous Petition is filed to withdraw HMOP No.1 of 2022 pending on the file of the Principal Subordinate Court at Chengalpattu and transfer the same to the Subordinate Court at Tiruvottiyur to be tried along with HMOP No.347 of 2023 and pass orders.

2. The petitioner/wife is the respondent and respondent/husband is the petitioner in HMOP No.1 of 2022 on the file of the Principal Subordinate Judge, Chengalpattu.. The husband filed HMOP No.1 of 2022 seeking divorce. The petitioner/wife has filed HMOP No.347 of 2023 before the Principal Sub-Court, Tiruvottiyur seeking restitution of conjugal rights. Since both the petitions are pending in different courts and to avoid contra judgments, the petitioner has filed this present Transfer Civil Miscellaneous Petition to withdraw HMOP No.1 of 2022 pending on the file of the Principal Subordinate Court at Chengalpattu and transfer the



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same to the Principal Subordinate Court at Tiruvottiyur to be tried along with HMOP No.347 of 2023 filed by the petitioner/wife.

3. Learned counsel for the petitioner submits that since there should not be contra judgments, this court may withdraw HMOP No.1 of 2022 pending on the file of the Principal Subordinate Court at Chengalpattu and transfer the same to the Subordinate Court at Tiruvottiyur to be tried along with HMOPNo.347 of 2023.

4. Learned counsel for the respondent submitted that originally the husband has filed HMOP No.8 of 2021 on the file of the Sub Court, Srivilliputhur and this petitioner has filed a Transfer Civil Miscellaneous Petition in TR CMP No.465 of 2021 before this Court to transfer the same to Family Court at Chennai, which was declined by this Court considering the fact that the respondent/husband is working at Srivilliputhur and transferred the case to Sub Court, Chengalpattu. Hence, he seeks for dismissal of the petition.



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5. Heard the parties and perused the materials available on record.

6. Considering the convenience of both parties, HMOP No.347 of 2023 filed by the petitioner/wife seeking restitution of conjugal rights pending before the Principal Sub-Court, Tiruvottiyur is hereby withdrawn and transferred to the Principal Subordinate Court, Chengalpattu and directed to tried along with HMOP No.8 of 2021 filed by the husband for divorce on the file of the Principal Subordinate Court, Chengalpattu.

7. With the above direction, the Transfer Civil Miscellaneous Petition is disposed of. There shall be no order as to costs. Consequently, CMP No.3700 of 2024 is closed.

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Index: Yes/No
Internet: Yes/No
mrn

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To

- 1.The Principal Subordinate Court,
Chengalpet
- 2.The Principal Subordinate Court,
Tiruvottiyur



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V.SIVAGNANAM, J.

mrn

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