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Tr.CMP.(MD)No.386 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 27.08.2024

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THE HON'BLE MR JUSTICE P. VADAMALAI

Tr.CMP.(MD)No.386 of 2024

and

C.M.P.(MD)No.8481 of 2024

A.Ramesh Babu

.. Petitioner

Vs.

R.K.Sri Ashtalakshmi @ Ashley

.. Respondent

Prayer : 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. 456 of 2023 on the file of the Family Court, Theni and transfer the same to the file of the Family Court, Madurai to be tried along with H.M.O.P.No. 982 of 2023.

For Petitioner : Mr.V.Janakiramulu

For Respondent : No Appearance

ORDER

The present Transfer Civil Miscellaneous Petition has been filed to withdraw the proceeding in H.M.O.P.No.456 of 2023 on the file of the



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Family Court, Theni and transfer the same to the file of the Family Court, Madurai to be tried along with H.M.O.P.No.982 of 2023.

2. The petitioner is the husband and the respondent is the wife. The marriage between the petitioner and the respondent was solemnized on 13.12.2021 at Madurai as per Hindu Rites and Customs.

3. Due to disputes and differences, the parties are living separately, and the petitioner/husband has initiated the proceeding in H.M.O.P.No.982 of 2023 on the file of the Family Court, Madurai seeking divorce on the ground of cruelty. Subsequently, the respondent/wife has initiated the proceeding in H.M.O.P.No.456 of 2023 seeking restitution of conjugal rights on the file of the Family Court, Theni.

4. The name of the respondent has been printed in the cause list. Despite the name has been printed in the cause list, the respondent/wife has neither entered appearance through a counsel nor in-person to oppose this transfer petition.

5. Heard the learned counsel appearing on behalf of the petitioner.



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6. The learned counsel for the petitioner would submit that the petitioner/husband is now residing and working at Hyderabad, State of Telangana, and further submits that in both the cases, the trial has not yet been commenced. He would further submit that the petitioner/husband has no objection to transfer the proceeding filed by him, in H.M.O.P.No.982 of 2023 on the file of the Family Court, Madurai, to the file of the Family Court, Theni for joint trial along with H.M.O.P.No.456 of 2023.

7. Taking into consideration of the above submission made by the learned counsel for the petitioner/husband, and also considering the convenience of the wife, this Court is inclined to transfer the case in H.M.O.P.No.982 of 2023 on the file of the Family Court, Madurai to the file of the Family Court, Theni for conducting joint trial along with H.M.O.P.No.456 of 2023.

8. Hence, the proceeding in H.M.O.P.No.982 of 2023 pending on the file of the Family Court, Madurai is withdrawn and transferred to the file of the Family Court, Theni.



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9. The learned Judge, Family Court, Madurai is directed to transmit the entire records, pertaining to the case in H.M.O.P.No. 982 of 2023 to the file of the Family Court, Theni within a period of three weeks from the date of receipt of a copy of this order, and on receipt of such records, the learned Judge, Family Court, Theni is directed to take the case on file and try this case along with the case in H.M.O.P.No.456 of 2023 jointly and dispose of the same on merits in accordance with law.

10. Accordingly, the Transfer Civil Miscellaneous Petition is disposed of. No costs. Consequently, the connected Civil Miscellaneous Petition is closed.

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Index:Yes/No

Speaking Order :Yes/No

Neutral Citation:Yes/No



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P. VADAMALAI, J.

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To

- 1.The learned Judge, Family Court,
Madurai
- 2.The learned Judge, Family Court,
Theni

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