



TR CMP(MD)No.419 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 30.07.2024

CORAM:

THE HONOURABLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

**TR CMP(MD)No.419 of 2024
and
C.M.P.(MD)No.9139 of 2024**

R.Pragalbha

... Petitioner/ Respondent

vs.

D.SureshKumar

... Respondent/Petitioner

Prayer:- Transfer Civil Miscellaneous Petition filed under Sections 24 of C.P.C., to withdraw the case in O.P.No.492 of 2024 on the file of the learned Additional Family Court, Chennai and transfer the same to the Family Court, Tiruchirappalli

For Petitioner : Mr.R.Venkatesan

For Respondent : Mr.Balakumar

ORDER

The petitioner/wife has filed the present Transfer Civil Miscellaneous Petition.



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2.It is her case that she has already filed HMOP No.150 of 2023 on the file of the Family Court, Tiruchirappali and the same is pending. She is also residing along with her parents in Trichy. The husband has, thereafter, filed the present case in O.P.No.492 of 2024 on the file of the V Additional Family Court, Chennai. Therefore, she prays for transfer.

3.*Mr.Balakumar*, the learned counsel appearing on behalf the respondent/husband would oppose the prayer by stating that the respondent/husband would also equally put to prejudice if he has to travel from Chennai to Trichy. He would submit that the wife can also participate in the proceedings in Chennai.

4.I have considered the rival contentions of the parties.

5.When the earlier petition filed by the wife is pending at Trichy, it is just and necessary that both the matters be tried together. Considering the hardship pleaded by the petitioner/wife and considering the fact that the petition filed by her is earlier in point of time, the Transfer Civil Miscellaneous Petition is allowed on the following terms:



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(i) O.P.No.492 of 2024 pending on the file of the V Additional Family Court, Chennai, is withdrawn and transferred to the file of the Family Court, Tiruchirappalli, to be tried along with HMOP No.150 of 2023.

No costs. Consequently, connected miscellaneous petition is closed.

30.07.2024

NCC : Yes / No
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To

- 1.The Family Court, Chennai.
- 2.The Family Court, Tiruchirappalli.



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D.BHARATHA CHAKRAVARTHY, J.

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