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Tr.CMP.No.565 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.07.2025

CORAM :

THE HONOURABLE MR. JUSTICE P.B. BALAJI

Tr.CMP.No.565 of 2025

and

CMP.No.13860 of 2025

P.Cynthia

...Petitioner

Vs.

A.Raphel

...Respondent

Transfer Civil Miscellaneous Petition filed under Section 24 of Code of Civil Procedure to order withdrawal of the IDOP.No.11 of 2018, on the file of the Hon'ble Family Court, Thiruvallur and transfer the same to the learned the Hon'ble Principal District and Sessions Court, Tiruvallur.

For Petitioner : Mr.D.Devendran

For Respondent : Mr.S.Bruno Cruz



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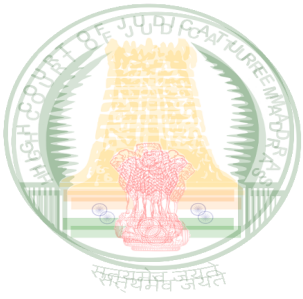
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ORDER

The petitioner/wife seeks transfer of IDOP.No.11 of 2018, pending on the file of the Family Court, Thiruvallur to the file of the Principal District and Sessions Court, Tiruvallur, to be tried along with IDOP.No.170 of 2014, which is pending before the Principal District and Sessions Court, Tiruvallur.

2. Learned counsel for the petitioner/wife states that, the petitioner filed a restitution of conjugal rights petition before the Principal District and Sessions Court, Tiruvallur in IDOP.No.170 of 2014 and in order to avoid conflicting orders, in the interest of both the parties, it would be desirable to have the same Court to hear and dispose of both the cases.

3. Learned counsel for the respondent submits that, IDOP.No.11 of 2018 is in an advanced part heard stage and the petitioner has already advanced arguments and the same is posted only for the arguments on the side of the respondent. Insofar as IDOP.No.170 of 2014 is concerned, the said OP was dismissed for non prosecution and an application for condonation of delay in filing a restoration petition in the said OP, the



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delay being more than 3000 days, is pending. Hence, the learned counsel, therefore, states that, there is absolutely no necessity to try both the OPs together.

4. I have heard the learned counsel for the parties and I have also gone through the affidavit filed in support of this transfer petition.

5. Admittedly the petitioner has participated in the trial of IDOP.No.11 of 2018. Even though it is claimed that the petitioner/wife has filed IDOP.No.170 of 2014, no steps were taken by the petitioner/wife to seek for a joint trial of both the IDOP's. However, after dismissal of IDOP.No.170 of 2014 for non prosecution and after allowing IDOP.No.11 of 2018 to reach the stage of trial, and presently in the stage of arguments, it is not appropriate on the part of the petitioner to seek for transfer of the said proceedings to the file of the Principal District and Sessions Court, Tiruvallur to be tried along with IDOP.No.170 of 2014, which is not even on file on the present day.



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6. In view of the above, I do not find any merit in the request of the petitioner/wife seeking transfer and accordingly, this Transfer Civil Miscellaneous Petition stands dismissed. There shall be no order as to costs. Consequently, the connected Civil Miscellaneous Petition is closed.

18.07.2025

skt

Index : Yes / No
Speaking order : Yes / No
NCC : Yes / No

To

1.The Family Court,
Thiruvallur.

2.The Principal District and Sessions Court,
Tiruvallur.



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P.B.BALAJI, J.

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