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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.08.2025

CORAM

THE HONOURABLE MR JUSTICE P.B. BALAJI

Tr.CMP.No.779 of 2024

& CMP.No.17052 of 2024

R.Thalapathi Prabakaran

... Petitioner

Vs.

K.Gnanasundari

... Respondent

Prayer: The Transfer Civil Miscellaneous Petition filed under Section 24 of CPC, to withdraw HMOP.No.58 of 2022 on the file of the Subordinate Court, Tindivanam and transfer and try it along with H.M.O.P.No.5565 of 2021 on the file of the Principal Family Court, Chennai.

For Petitioner : Mrs.R.Thenamirtha Shyamala

ORDER

The Transfer Civil Miscellaneous Petition has been filed to withdraw the proceedings in HMOP.No.58 of 2022 from the file of the Subordinate Court, Tindivanam, and transfer to the file of the Principal Family Court, Chennai, to be tried along with H.M.O.P.No.5565 of 2021.



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2.Heard Mrs.R.Thenamirtha Shyamala, learned counsel for the petitioner.

3.Pursuant to the orders passed by this Court dated 05.06.2025, permitting the petitioner to effect paper publication in any one issue of Tamil daily and in compliance with the same, the petitioner has also effected paper publication in Makkal Kural, Chennai edition, there is no appearance on behalf of the respondent, even today.

4.It is brought to my notice that HMOP.No.58 of 2022 has been filed by the respondent/wife before the Sub-Court, Tindivanam and the petitioner/husband has filed HMOP.No.5565 of 2021 which is pending before the Principal Family Court, Chennai and in order to try both HMOPs together and avoid multiplicity of proceedings as well as conflicting orders, the petitioner seeks transfer.

5.In view of the fact that there is a connected HMOP initiated earlier by the petitioner, the interest of justice requires that both HMOPs are tried



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together and considering the convenience of the respondent/wife, which is of paramount consideration, I am inclined to allow the transfer request as prayed for.

6. In the light of the above, the Transfer Civil Miscellaneous Petition is allowed and the case in HMOP.No.58 of 2022 is withdrawn from the file of the Subordinate Judge, Tindivanam and transferred to the file of the Principal Family Court, Chennai, to be tried along with HMOP.No.5565 of 2021. There shall be no order as to costs. Connected Civil Miscellaneous Petition is closed.

05.08.2025

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Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

To

1. The Subordinate Court, Tindivanam.

2. The Principal Family Court, Chennai.

P.B. BALAJI, J.

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