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Tr. CMP.No.774 of 2024,



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :12.03.2024

CORAM

THE HONOURABLE Ms. JUSTICE P.T. ASHA

Tr. CMP.No.774 of 2024

and

C.M.P.No. 16947 of 2024

Geethanjali

... Petitioner

Vs.

K.Srinivasan

... Respondent

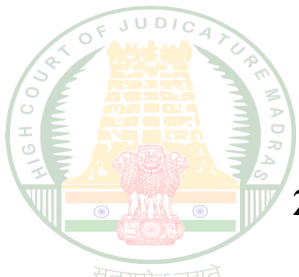
Prayer:- Transfer Petition is filed under Section 24 of the CPC to withdraw the case in HMOP No.140 of 2023 on the file of the Sub Court Alandur and transfer the same to the Sub Court, Thirumangalam, Madurai for having try with HMOP.No.261 of 2022 on the file of the Sub Court, Thirumangalam.

For Petitioner : M/s.S.Gunasekaran

For Respondent : Served – No appearance

ORDER

The present petition has been filed to withdraw HMOP.No.140 of 2023 pending on the file of the Sub Court, Alandur and transfer the same to the file of the Sub Court, Thirumangalam, to be tried along with HMOP.No.261 of 2022.



Tr. CMP.No.774 of 2024.

2. The respondent though served has not entered appearance either in person or through counsel. Heard the learned counsel for the petitioner.

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3. Reasons for seeking transfer :-

i) The petitioner/wife is residing at Thirumangalam and has filed an application for divorce in HMOP.No.261 of 2022 on the Sub Court, Thirumangalam.

ii) The respondent/husband had filed a Transfer Civil Miscellaneous Petition seeking to transfer the HMOP.No.261 of 2022 on the file of the Sub Court, Thirumangalam to the file the Sub Court, Alandur. The said Petition has been dismissed by this Court on 03.08.2023.

iii) The respondent/husband is not proceeding with the petitioner's petition due to the pendency of the petition filed by the respondent/husband for the restitution of conjugal rights in HMOP.No.140 of 2023 on the file of the Sub Court, Alandur.

4. The above reasons would clearly indicate that the respondent/husband is using the pendency of HMOP.No.140 of 2023 to not proceed with the proceedings in HMOP.No.261 of 2022. Further, the application filed by the husband for transferring HMOP.No.261 of 2022 has been dismissed.

5. In the above circumstances the request for transfer appears



Tr. CMP.No.774 of 2024,

reasonable. Therefore, the Transfer Civil Miscellaneous Petition is allowed and HMOP.No.140 of 2023 pending on the file of the Sub Court, Alandur is withdrawn and transferred to the file of the Sub Court, Thirumangalam to be tried along with HMOP.No.261 of 2022. No costs. Consequently, the connected Miscellaneous Petition is closed.

12.03.2924

(shr)

Index : Yes/No

Speaking Order: Yes/No

Neutral Citation : Yes/No

To

- 1.The Sub Court Alandur.
- 2.The Sub Court, Thirumangalam, Madurai.



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