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Tr.C.M.P.No.902 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: **24.01.2025**

CORAM :

THE HONOURABLE MR.JUSTICE V. LAKSHMINARAYANAN

Tr.C.M.P.No.902 of 2024
& C.M.P.No.19784 of 2024

Dhivya @ Anandhi

.. Petitioner

Vs

T. Vijayakumar @ Viji

.. Respondent

Prayer: Transfer Civil Miscellaneous Petition is filed under Section 24 of the C.P.C., to withdraw the case in HMOP No.1426 of 2021 pending on the file of the Hon'ble Sub Court at Alandur and transfer the same to the Hon'ble VII Additional Family Court at Chennai.

For Petitioner : Ms. C.Vijayalakshmi

For Respondent : Mr. M. Thangadurai

ORDER

This transfer petition seeks for withdrawal of HMOP No.1426 of 2021 on the file of Sub Court at Alandur and transfer the same to the file of the VII Additional Family Court at Chennai.



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2. The transfer petitioner is the wife and the respondent is the husband. There is no dispute in their relationship. On account of disputes and differences, the parties have separated. The husband has filed a petition for divorce before the Sub Court at Alandur in HMOP No.1426 of 2021. The wife has been served with the summons and she has also entered appearance. Wife is a resident of Velacherry and the husband is the resident of Jallandianpettai in Chennai. After having contested the proceedings in Alandur, the wife presented M.C.No.270 of 2024 and HMOP No.4068 of 2024 both on the file of the VII Additional Family Court at Chennai. On account of that fact, the petitioner/wife seeks for withdrawal of the proceedings instituted 3 years earlier on the file of Sub Court, Alandur, to the file of the Family Court at Chennai. Though a plea has been raised by Ms.Vijayalakshmi that the husband is making threats to the wife, there is no tangible material available before the Court either by way of police complaint or a petition given to the learned Judge dealing with the issue at Alandur that the husband is indulging in such third degree methods. Hence, I am not in a position to place much weight on this submission.



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3. The parties were married on 04.05.2021 and the proceeding before the Sub Court at Alandur has been initiated in the year 2021 itself.

As pointed out above, the wife has initiated the proceedings before the Family Court at Chennai 3 years thereafter. The one instituted by the husband being a proceeding for divorce and the other instituted by the wife being a proceeding for restitution of conjugal rights, interest of justice require both the proceedings be heard by the same learned Judge and disposed of.

4. Ms. Vijayalakshmi submits that proof affidavit has already been filed in MC No.270 of 2024 and HMOP No.4068 of 2024. The learned Subordinate Judge at Alandur is requested to continue the proceedings from the stage at which it is transferred to him.

5. In fine, MC No.270 of 2024 and HMOP No.4068 of 2024 are withdrawn from the file of the VII Additional Family Court at Chennai and transferred to the file of the Subordinate Court at Alandur for disposal along with HMOP No.1426 of 2021.



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6. I am entitled to take notice of the fact that Velacherry is closer to Alandur than Parrys Corner, where the Family Courts are situated. Therefore, the convenience of the petitioner/wife to contest the proceedings at Alandur is also taken care of.

7. With the above observations, the Transfer Petition is ordered.
No costs. Consequently, connected miscellaneous petition is closed.

24.01.2025

Index: Yes/No

Speaking order/Non-speaking order

Neutral Citation: Yes/No

mrp

To

1.The Sub Court, Alandur.

2.The VII Additional Family Court, Chennai.



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V. LAKSHMINARAYANAN,J.

mrp

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