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Tr.CMP.No.995 of 2024 and C.M.P.No.21735 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.09.2025

CORAM:

THE HONOURABLE MR.JUSTICE M.JOTHIRAMAN

Tr.CMP.No.995 of 2024

and

C.M.P.No.21735 of 2024

Mrs. R.Banu, Female / Aged 29 years,
W/o. Bharathwaj, EG4, Hansa Ashirvad Apartment,
Lakshmipuram Extension, Mudichur, Chennai 600 048.

... Petitioner

Versus

Mr. Bharathway,
Male/Aged 33 years,
S/o V.Nagarajan,
No.17, G2 Haritha Flats,
2nd Street, Indian Bank Colony,
Ambattur, Chennai - 600 053.

... Respondent

Prayer:- Transfer Civil Miscellaneous Petition filed under Section 24 of the CPC, to withdraw HMOP No.35 of 2024 on the file of the Sub Judge, Ambattur, Tiruvallur District and transfer the same to the file of the Sub Judge, Tambaram, Chengalpattu District.

For Petitioner : Mr.H.Mohamed Ghouse
For Respondent : Mr.K.Siva



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ORDER

This petition has been filed to withdraw HMOP No.35 of 2024 from the file of the Sub Court, Ambattur, Tiruvallur District and to transfer the same to the file of the the Sub Court, Tambaram, Chengalpattu District.

2. Heard the learned counsel on both sides.

3. The learned counsel appearing for the petitioner / wife would submit that the respondent issued a legal notice for divorce dated 30.10.2023. Due to dowry harassment, the petitioner filed D.V.C.No. 2 of 2024 before the Judicial Magistrate No.1, Tambaram. Thereafter, she filed an application for restitution of conjugal rights in H.M.O.P.No.32 of 2024 before the Sub Court, Tambaram. Thereafter, the respondent has filed a petition for Divorce in HMOP.No.35 of 2024 before the Sub Court, Tiruvallur. Therefore, the case in HMOP.No.35 of 2024 may be withdrawn from the file of the Sub Court, Tiruvallur and transferred to the file of the Sub Court, Tambaram.



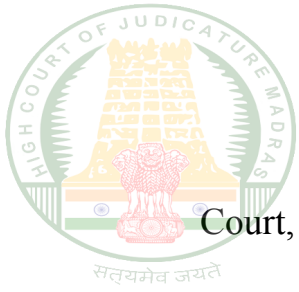
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4. *Per contra*, the learned counsel appearing for the respondent/husband would submit that the respondent/husband has filed an application for divorce in HMOP.No.35 of 2024 before the Sub Court, Tiruvallur, on the ground of cruelty. He would further submit that the respondent/husband has no objection in allowing this petition.

5. I have gone through the affidavit filed in support this petition and I find merit in the submissions made by the learned counsel for the petitioner/wife and in view of the no objection having been stated by the learned counsel for the respondent, and also considering the submissions made by the learned counsel on either side, there can be no impediment for allowing this petition as prayed for.

6. Accordingly, this transfer civil miscellaneous petition is allowed. The case in HMOP.No.35 of 2024 is hereby withdrawn from the file of the Sub Court, Tiruvallur and transferred to the file of the Sub Court, Tambaram, to be tried along with HMOP.No.32 of 2024 pending on the file of the Sub



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Court, Tambaram. Considering the facts there shall be no orders as to costs.

Consequently, connected Civil Miscellaneous Petition is closed.

08.09.2025

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Index : Yes/No

Speaking order : Yes/No

Neutral Case Citation : Yes/No

To

1. The Sub Court, Tiruvallur.

2. The Sub Court, Tambaram.



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M. JOTHIRAMAN, J.

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