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Tr.C.M.P.No.1043 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.1043 of 2024
& C.M.P.No.22680 of 2024

H.Bhuvanesh

.. Petitioner

Vs

S.Janani @ Mithra

.. Respondent

Prayer: Transfer Civil Miscellaneous Petition is filed under Section 24 of the C.P.C., to withdraw H.M.O.P.No.278 of 2024 pending on the file of the Sub Court, Alandur and transfer the same to the I Additional Family Court, Chennai to be tried jointly along with H.M.O.P.No.1578 of 2024 on the file of I Additional Family Court, Chennai.

For Petitioner : Ms.C.S.Vedavalli

For Respondent : Ms.Anuradha
for Mr.T.Surendran

ORDER



Tr.C.M.P.No.1043 of 2024

I heard both sides. I have gone through the affidavit.

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2. Ms.Anuradha, for the respondent/wife entered appearance through video conferencing and submitted that she has no objection in the petition being ordered.

2.This transfer petition is at the instance of the husband. He seeks withdrawal of H.M.O.P.No.278 of 2024 from the file of the Sub Court, Alandur and transfer the same to the file of the I Additional Family Court, Chennai to be tried jointly along with H.M.O.P.No.1578 of 2024.

3.The petitioner married the respondent on 20.02.2024. Due to disputes and differences, the parties have separated. The petitioner/husband initiated proceedings in H.M.O.P.No.1578 of 2024 for divorce before the I Additional Family Court, Chennai and the respondent/wife preferred H.M.O.P.No.278 of 2024 on the file of the Sub Court, Alandur. Pleading that the prayer in both the petitions are one and the same for nullifying the marriage, both the petitions may be tried jointly, he has moved this transfer petition.



Tr.C.M.P.No.1043 of 2024

4. Since Ms.Anuradha, for the respondent/wife has no objection in transferring H.M.O.P.No.278 of 2024, pending on the file of the Sub Court, Alandur to the file of the I Additional Family Court, Chennai, I am inclined to accept the transfer.

5.Accordingly, H.M.O.P.No.278 of 2024 is withdrawn from the file of the Sub Court, Alandur and transferred to the file of the I Additional Family Court, Chennai. The learned Judge, I Additional Family Court, Chennai, on transfer of the proceedings, shall re-number the same and try it along with H.M.O.P.No.1578 of 2024, which is said to be pending on his file.

6. The Family Court need not insist upon the appearance of the wife on all hearing dates. For non-essential and procedural hearings, the wife will be represented by a counsel. She shall however present herself before the Court when the Trial Court passes a specific order for her appearance or when her presence is indispensable.



Tr.C.M.P.No.1043 of 2024

V. LAKSHMINARAYANAN,J.
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7. The Transfer Civil Miscellaneous Petition is ordered on the above terms. No costs. Consequently, connected miscellaneous petition is closed.

24.01.2025

Index:Yes/No

Speaking order/Non-speaking order

Neutral Citation:Yes/No

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To

1.The Sub Court, Alandur.

2.The I Additional Family Court, Chennai.

Tr.C.M.P.No.1043 of 2024
& C.M.P.No.22680 of 2024