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Tr.C.M.P.No.1196 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.1196 of 2024

and

C.M.P.No.26019 of 2024

R.Rajesh Kumar

.. Petitioner

Vs.

D.Uma Mageshwari

.. Respondent

Prayer: This Transfer Civil Miscellaneous Petition filed under Section 24 of the Code of Civil Procedure, 1908, praying to withdrawal of the H.M.O.P.No.876 of 2023 from the Subordinate Judge at Alandur and transfer the same to II Additional Judge, Family Court, Chennai, in lieu of the joint trial with the proceedings in O.P.No.1801 of 2024 pending on the file of II Additional Judge, Family Court, Chennai.

For Petitioner : Mr.M.I.Javid Akbar

For Respondent : Ms.B.Rathika



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ORDER

This transfer petition is at the instance of the husband. He seeks withdrawal of H.M.O.P.No.876 of 2023 from the file of the learned Subordinate Judge at Alandur, and transfer the same to the file of the learned II Additional Judge, Family Court, Chennai, to be tried along with O.P.No.1801 of 2024.

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

3.The petitioner/husband married the respondent/wife on 15.02.2019. From the wedlock, they were blessed with a male child on 03.06.2022. Due to disputes and differences, the parties have separated. The petitioner/husband initiated proceedings in H.M.O.P.No.876 of 2023 for divorce before the Subordinate Judge at Alandur. Thereafter, the respondent / wife also initiated proceedings in O.P.No.1801 of 2024 for divorce before the Family Court at Chennai. Pleading that contesting both the matters parallely will consume time and lead to multiplicity of proceedings, the husband has moved this



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transfer petition.

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4.Ms.B.Rathika submits that the wife has no objection to transfer the H.M.O.P. from Sub Court, Alandur to II Additional Family Court, Chennai. She further states that presently the wife is residing in Nammalwarpet, Perambur, Chennai, and the transfer of the proceedings will not cause any hardship to the respondent.

5.Considering the submissions made on both sides and the materials on record, H.M.O.P.No.876 of 2023 is withdrawn from the file of the learned Sub Court, Alandur and transferred to the file of the learned II Additional Family Court, Chennai. The learned II Additional Family Judge, Chennai, on transfer of the proceedings, shall re-number the same and try it along with O.P.No.1801 of 2024, which is said to be pending on his file.

6.The Family Court need not insist upon the appearance of the husband on all hearing dates. For non-essential and procedural hearings, the husband will be represented by a counsel. He shall however present himself before the Court when the Trial Court passes a specific order for his appearance or when



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his presence is indispensable.

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7.With the above observations, the Transfer Petition is ordered.

Consequently, connected miscellaneous petition is closed. No costs.

24.01.2025

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Index : Yes / No
Internet : Yes / No
Neutral Citation : Yes / No

To

1.The II Additional Judge,
Family Court,
Chennai.

2.The Subordinate Judge,
Sub Court,
Alandur.



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V.LAKSHMINARAYANAN, J.

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