



Tr.C.M.P.No.1358 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated :10.07.2025

CORAM:

THE HON'BLE MR. JUSTICE P.B. BALAJI

Tr.C.M.P.No.1358 of 2024 and CMP No.29296 of 2024

S.Madhumitha

... Petitioner

vs

M.Rajesh

.. Respondent

Petition filed under Section 24 of Civil Procedure Code to withdraw HMOP No.265 of 2024 on the file of Family Court, Tiruvallur to Family Court, Chennai.

For Petitioner : Mr.P.Harsha Vardhini

For Respondent : Mr.R.Krishnakumar

ORDER

The petitioner/wife seeks transfer of HMOP No.265 of 2024 pending on the file of Family Court, Tiruvallur to Family Court, Chennai.

2. Heard learned counsel for the petitioner and the learned counsel for the respondent.



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WEB COPY 3. HMOP No.265 of 2024 has been filed by the respondent/husband under Section 9 of the Hindu Marriage Act, 1955 for restitution of conjugal rights. However, the petitioner/wife has filed a petition for divorce in HMOP No.5385 of 2024 which is pending before VI Additional Family Court, Chennai. In order to avoid any conflicting orders and to avoid multiplicity of proceedings, in the interest of both the parties, it is desirable that both the restitution petition as well as the dissolution petition are jointly tried. therefore, the petitioner/wife seeks transfer of HMOP No.265 of 2024 from the Family Court, Tiruvallur to VI Additional Family Court, Chennai. The petitioner expresses inconvenience to travel to Tiruvallur as she is also having an additional duty of taking care of a girl child, aged 7 years.

4. In the light of the above, I am inclined to transfer HMOP No.265 of 2024 to the file of VI Additional Family Court, Chennai.

5. Accordingly, Tr.C.M.P.No.1358 of 2024 is allowed and the proceedings in HMOP No.265 of 2024 pending on the file of Family Court, Tiruvallur is withdrawn and the same is transferred to VI Additional Family Court, Chennai to be tried along with FCOP No.5385 of 2024 which is already



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pending before VI Additional Family Court, Chennai and both the matters shall

WEB be jointly tried.

6. Insofar as the representation of the learned counsel for the respondent that the Execution Petition, to enforce the maintenance claim is also pending, learned counsel for the petitioner/wife submits that subject to verification that all the payments have been made, she undertakes to withdraw the same.

No costs. Consequently, connected miscellaneous petition is closed.

10.07.2025

Index: Yes/No

Website:yes/no

Speaking Order/Non-speaking Order

sr

To

1.The Family Court, Tiruvallur.

2.The Family Court, Chennai.



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P.B.BALAJI.,J.

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