

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.04.2015

CORAM :

THE HONOURABLE MR. JUSTICE N.KIRUBAKARAN

Tr.CMP No.720 of 2014

and

M.P.No.1 of 2014

P.Dilip Kumar

...Petitioner

vs.

Durga Devi

...Respondent

Prayer :- Transfer Civil Miscellaneous Petition filed under Section 24 of C.P.C. to withdraw and transfer HMOP No.24 of 2012 pending on the file of Sub Court, Tambaram to the file of III Additional Family Court, Chennai to be tried alongwith HMOP No.4256 of 2011 pending on its file.

For Petitioner : Mr.M.Babu Muthu Meeran

For Respondent : Mr.Uma Shankar

JUDGMENT

The petitioner has come before this Court seeking transfer of restitution of conjugal rights petition filed by the respondent in H.M.O.P.No.24 of 2012 before Sub Court, Tambaram to the III Additional Family Court, Chennai where H.M.O.P.No.4256 of 2011 for dissolution of marriage is pending.

2. Pursuant to the notice, both the parties are present before this Court today. Though this court tried to reconcile both the parties, there is no possibility of any settlement. In such view, this Court proceeds to decide the matter on merits.

3. The petitioner/husband has already filed petition in HMOP No.4256 of 2011 for dissolution of marriage before III Additional Family Court, Chennai and thereafter only, HMOP No.24 of 2012 has been filed by the respondent/wife before Sub Court, Tambaram. Moreover, it does not make any difference in trying of the matter before Sub Court, Tambaram or Famil Court, Chennai.

4. Taking into consideration the early institution of the divorce petition filed by the petitioner/husband, it is appropriate to transfer HMOP No.24 of 2012 filed by the respondent/wife before Sub Court, Tambaram to be tried alongwith HMOP No.4256 of 2011 jointly.

5. The learned Subordinate Judge, Tambaram, is directed to forward the case papers pertaining to HMOP No.24 of 2012 to the III Additional Family Court, Chennai, forthwith. The learned III Additional Judge, Family Court, Chennai is directed to disposed of the matter, on or before 31.08.2015.

6. With the above direction, this Transfer Civil Miscellaneous Petition is disposed of. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar(J)

//True Copy//

Sub Assistant Registrar

rgr

To

1. The Subordinate Judge,
Tambaram.

2.The III Additional Judge,
Family Court, Chennai.

1 CC to Mr.M.Babu Muthu Meeran, Advocate SR.No. 22123

1 CC to Mr.Uma Shankar, Advocate SR.No.22650

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RJ (CO)

PSI (14.05.2015)