

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 31.08.2015

CORAM

THE HONOURABLE THIRU JUSTICE D.HARIPARANTHAMAN

Tr.C.M.P.Nos.602 & 603 of 2015

T.Saiprasanna

... Petitioner in both
Tr.C.M.Ps

v.

A.Durgaprasad

... Respondent in both
Tr.C.M.Ps

Tr.C.M.P.No.602/2015 filed under section 24 of C.P.C., to withdraw O.P.No.2945 of 2011 from the file of the Principal Family Court at Chennai and to transfer the same to any one of the Additional Family Court at Chennai.

Tr.C.M.P.No.603/2015 filed under section 24 of C.P.C., to withdraw O.P.No.4566 of 2011 from the file of the Principal Family Court at Chennai and to transfer the same to any one of the Additional Family Court at Chennai.

For Petitioner : Mr.R.Y.George Williams

COMMON ORDER

The petitioner is the wife of the respondent. The respondent-husband filed O.P.Nos.2945 of 2011 and 4566 of 2011 on the file of the Principal Family Court, Chennai.

2. The prayer in the Original Proceedings are not relevant to decide the issue.

3. By order dated 16.06.2015, a Division Bench of this court passed an order in C.M.A.No.823 of 2015, directing the Principal Family Court, Chennai to jointly try O.P.Nos.2945 of 2011 and 4566 of 2011 and to dispose of the same, within a period of two months

from the date of receipt of a copy of that order.

4. On 17.08.2011, the Principal Judge, Family Court, Chennai has made the following docket order:-

"As per the order of the Hon'ble High Court, Madras in C.M.A.No.823/2015 dated 16.06.2015, this court has been directed to dispose of O.P.Nos.2945 & 4566 of 2011 accordingly to law. Chief examination of petitioner was over and it was posted for cross examination of P.W.1. It was at this stage, respondent's counsel stated that he has no confidence over this court, if this case is tried. Hence, the said case was transferred to III Additional Family Court, Chennai. The III Additional Family Court, Judge, Chennai has sent back the case bundle to this court. Principal Judge, Family Court, Chennai has addressed a letter to the Hon'ble High court, Madras. Hence these petitions are returned.

5. In view of the aforesaid docket order, I am of the view that no notice is necessary to the respondent-husband.

6. In these circumstances, both the Transfer C.M.Ps are allowed and a direction is issued to the Principal Family Court, Chennai to transfer both the O.P.Nos.2945 of 2011 and 4566 of 2011 to the I Additional Family Court, Chennai and on receipt of the same, the I Additional Family Court, Chennai is directed to issue notice to the husband of the petitioner herein and the petitioner-wife is also directed to serve notice to the husband about this order. No costs.

Sd/-
Asst.Registrar

/true copy/

सतसमो न जयते
Sub Asst. Registrar

To

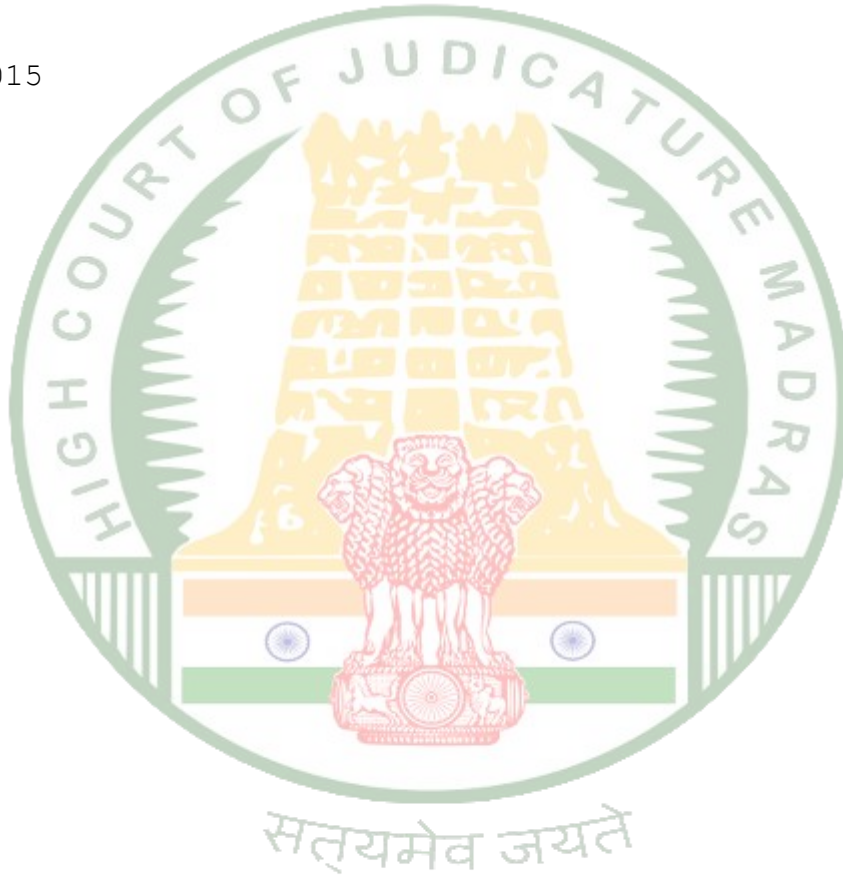
1. The Judge,
Principal Family Court,
Chennai
2. The Judge,
I Additional Family Court ,
Chennai.

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+1 cc to Mr.R.Y. George Williams Advocate sr.46374

Tr.C.M.P.Nos.602 & 603 of 2015

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