

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 14.12.2015

CORAM

THE HONOURABLE MS. JUSTICE R.MALA

Tr.C.M.P. No.767 of 2015
& MP.No.1 of 2015

Hemalatha

.. Petitioner

Versus

Krishnakumar

.. Respondent

Prayer: Petition has been filed under Section 24 of C.P.C., to withdraw O.P.No.2430 of 2015 pending on the file of III Additional Family Court, Chennai and transfer the same to the file of the Family Court, Coimbatore.

For Petitioner : M/s.M.R.Khapali

For Respondent : Mrs.Vedavalli Kumar

O R D E R

The petitioner/wife, who is the respondent in O.P.No.2430 of 2015 on the file of III Additional Family Court, Chennai, has come forward with this petition, to transfer the same to the file of the Family Court, Coimbatore.

(*) "2.Learned counsel for the petitioner submits that the respondent/husband has filed a petition in O.P.No.2430 of 2015 for divorce before III Additional Family Court, Chennai. The petitioner/wife has filed a petition in O.P.No.136 of 2015 for restitution of conjugal rights before the Sub Court, Mettupalayam. It is further submitted that to avoid multiplicity of proceedings and conflicting judgments, the petition in O.P.No.2430 of 2015 to be transferred to the file of the Sub Court, Mettupalayam wherein O.P.No.136 of 2015 is pending for joint trial.*

3.Heard the learned counsel appearing for the respondent.

(**)4.Considering the submissions made by the learned counsel for the petitioner as well as the averments in the affidavit filed in support of this petition, the respondent/husband has filed a petition in O.P.No.2430 of 2015 for divorce on the ground of cruelty before III Additional Family Court, Chennai. Now, the petitioner sought for transfer the same to the file of the Sub Court, Mettupalayam, wherein O.P.No.136 of 2015 is pending, which was filed by the petitioner/wife for restitution of conjugal rights.

(***)5.In such circumstances, to avoid multiplicity of proceedings and conflicting judgments, I am inclined to order transfer, since the wife is residing within the jurisdiction of the Family Court, Coimbatore. Accordingly, the petition in O.P.No.2430 of 2015 is ordered to be withdrawn from the file of III Additional Family Court, Chennai and transferred the same to the file of the Sub Court, Mettupalayam and to be tried along with O.P.No.136 of 2015, for disposal in accordance with law. The Presiding Officer, III Additional Family Court, Chennai, is directed to transmit all the records pertaining to O.P.No.2430 of 2015 to the file of the Sub Court, Mettupalayam, within a period of two weeks from the date of receipt of a copy of this order. The Presiding Officer, Sub Court, Mettupalayam, is directed to dispose of both the petitions jointly within three months from the date of receipt of material papers, after following the procedure and giving opportunity to both sides."

6.Accordingly, this Transfer Civil Miscellaneous petition is ordered. No costs. Consequently, connected Miscellaneous Petition is closed.

sri

Sd/-

Assistant Registrar (IV)

drt. 23.12.15

(*) (**) (***)

Amended as per order of this Court dt.27.1.16.

Sd/- Assistant Registrar (VII)
dt. 09.02.16

Sub Assistant Registrar

To

1.The III Additional Family Court, Chennai.

2.The Sub Court, Mettupalayam.

+2 CC to Mrs.Vedavalli Kumar, Advocate SR.No.4612

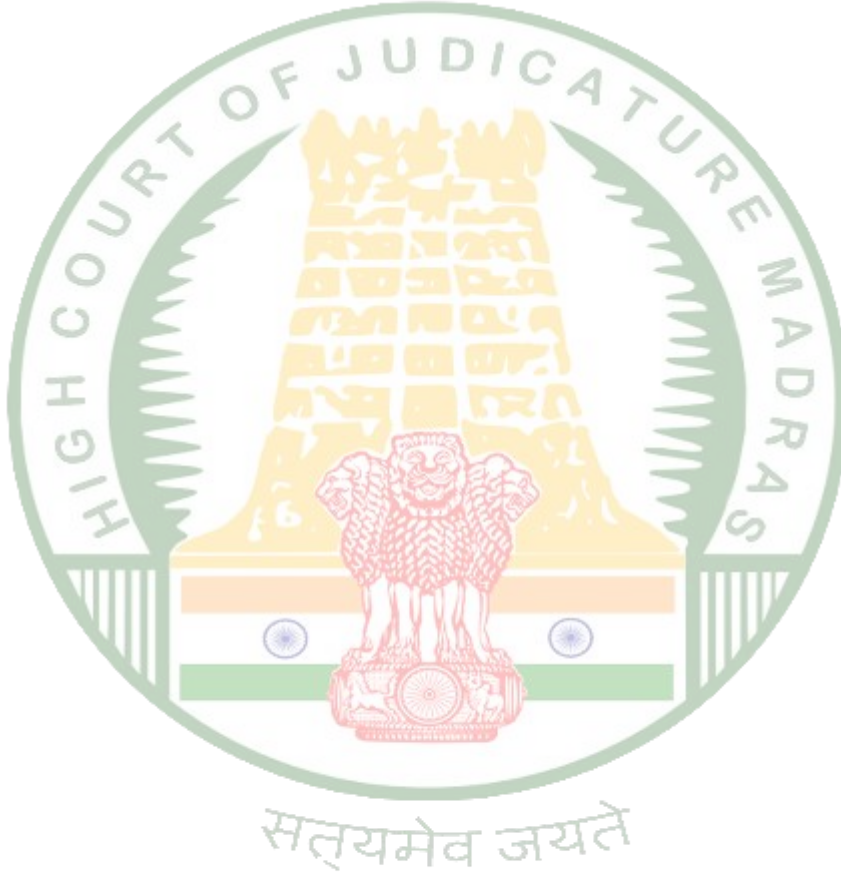
To be substituted
order already
despatched on
22.1.16

Tr.C.M.P. No.767 of 2015
& MP.No.1 of 2015

CO-SVI

ths : 29.12.2015

EU 11.02.2016



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