

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.12.2015

CORAM :

THE HONOURABLE MS. JUSTICE R.MALA

Tr.C.M.P. No.797 of 2015
and M.P.No.1 of 2015

P. Manjukavi

... Petitioner

Vs.

Mr.J.Alex Karthik (alias) Karthik Manikandan ... Respondent

Prayer:- Petition under Section 24 of C.P.C., to withdraw the IDOP No.64 of 2015 pending before the learned Family Court Judge, Madurai and transfer the same to the learned III Additional Family Court, Chennai or any other Court.

For Petitioner : Mr.S.Saravanan
For Respondent : No appearance

O R D E R

The respondent in I.D.O.P.No.64 of 2015 pending on the file of Family Court, Madurai has come forward with this application for transfer of the said I.D.O.P.No.64 of 2015 from Family Court, Madurai to learned III Additional Family Court, Chennai, where, M.C.No.451 of 2015 filed by the petitioner is pending.

2.Even though the respondent was served with notice, no one represented on behalf of him. Hence, the matter was posted today under the caption 'for orders'. Even today, no one represented on behalf of the respondent.

3. Learned counsel for the petitioner submitted that the respondent husband has filed I.D.O.P.No.64 of 2015 for divorce, which is pending on the file of Family Court, Madurai. The petitioner wife filed M.C.No.451 of 2015 before the III Additional Family Court, Chennai for maintenance. He further submitted that since the petitioner wife is residing at Chennai, she finds it very difficult to attend the Court at Madurai. Therefore, he prayed that in order to avoid multiplicity of proceedings and conflicting judgments, both the cases may be tried by a Single Judge.

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, I am of the view that it is a fit case or ordering for withdrawal of IDOP.No.64 of 2015, pending on the file of Family Court Madurai and transfer the same to III Additional Family Court, Chennai for joint trial along with M.C.No.451 of 2015.

5. Accordingly, the petition in IDOP No.64 of 2015 is ordered to be withdrawn from the file of the Family Court, Madurai and transferred to the file of the III Additional Family Court, Chennai and to be tried along with M.C.No.451 of 2015, for disposal in accordance with law. The Presiding Officer, Madurai is directed to transmit all the records pertaining to IDOP.No.64 of 2015 to the file of the III Additional Family Court, Chennai, within a period of two weeks from the date of receipt of a copy of this order.

6. This Transfer Civil Miscellaneous petition is ordered accordingly. No costs. Consequently, connected Miscellaneous Petition is closed.

msr

-s/d-

Assistant Registrar(CS-III)

True Copy

Sub-Assistant Registrar

To

1.The Family Court, Madurai.

2.III Additional Family Court, Chennai.

+ 1 cc to Mr.S.Saravanan, Advocate Sr 67174 (25/1/16)

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