

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26.09.2016

CORAM:

THE HONOURABLE MR.JUSTICE K.K.SASIDHARAN

Transfer CMP No.261 of 2015 and

MP.No.1 of 2015

Dr.Balachandar ... Petitioner

versus

S.Kavitha ... Respondent

PRAYER: Tr.C.M.P. filed under section 24 of C.P.C., to transfer the HMOP No.579 of 2014, pending on the file of Family Court, Erode to the file of III Additional Family Court, Chennai to be tried along with HMOP.No.4317 of 2014.

For Petitioner : Mr.R.Chandrasudan

For Respondent : Mr.E.Kannadasan

O R D E R

The petitioner has filed this transfer petition to transfer the proceedings in H.M.O.P.No.579 of 2014 pending on the file of Family Court, Erode to the file of III Additional Family Court, Chennai to be tried along with HMOP.No.4317 of 2014.

2. Heard the learned counsel on either side.

3. The petitioner instituted proceedings against the respondent in H.M.O.P.No.579 of 2014 before the Family Court, Erode praying for a decree of divorce. The respondent, on the other hand initiated proceedings in H.M.O.P No.4317 of 2014 before the III Additional Family Court, Chennai under Section 9 of the Hindu Marriage Act. The petitioner has come up with this transfer petition for withdrawing the proceedings from the file of Family Court, Erode and transfer it to the file of III Additional Family Court, Chennai.

4. The learned counsel appearing for the respondent has submitted that he has no objection in transferring the proceedings to the file of III Additional Family Court, Chennai.

5. There are two proceedings pending before two different Courts. The petitioner initiated the proceedings in H.M.O.P. No.579 of 2014 before the Family Court, Erode. The respondent, on the other hand initiated proceedings in H.M.O.P.No.4317 of 2014, which is now pending before the III Additional Family Court, Chennai. Since two proceedings are pending before two different Courts, it would be in the interests of justice, to have it posted before a particular Court.

6. In the result, the proceedings in H.M.O.P.No.579 of 2014 is withdrawn from the file of Family Court, Erode and is transferred to the file of III Additional Family Court, Chennai for disposal alongwith H.M.O.P.No.4317 of 2014.

The transfer petition is allowed as indicated above. No costs. Consequently, connected miscellaneous petition is closed.

-s/d-

Assistant Registrar

True Copy

Sub-Assistant Registrar

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To

1.The Judge Family Court, Erode
2.The Presiding Officer
III Additional Family Court, Chennai.

+1 cc to M/s.R.Chandrasudan Advocate sr 54880

+1 cc to M/s.E.Kannadasan Advocate sr 54835

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Transfer CMP No.261 of 2015

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