

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.11.2016

CORAM:

THE HON'BLE MR.JUSTICE K.K.SASIDHARAN

Tr. C.M.P.Nos.28 and 67 of 2015
and
M.P.No.1 of 2015

S.Dhakshnamoorthy

... Petitioner in Tr.CMP.No.28/15 and
Respondent in Tr.CMP.No.67/15

Versus

M.Maheswari

... Respondent in Tr.CMP.No.28/15
and Petitioner in Tr.CMP.No.67/15

Prayer in Tr.C.M.P.No.28 of 2015: Transfer Civil Miscellaneous Petition filed under Section 24 of C.P.C. praying to withdraw H.M.O.P.No.203 of 2012 on the file of the Sub Court, Poonamallee and transfer the same to the Family Court, Chennai.

Prayer in Tr.C.M.P.No.67 of 2015: Transfer Civil Miscellaneous Petition filed under Section 24 of C.P.C. praying to withdraw H.M.O.P.No.203 of 2012 pending on the file of the Sub Court at Poonamallee and transfer the same to the file of First Additional Family Court at Chennai to be tried jointly along with O.P.No.4846 of 2014 pending on the file of First Additional Family Court at Chennai.

For Petitioner in Tr.CMP
No.28 of 2015 and
Respondent in Tr.CMP
No.67 of 2015

: Mr.Elveera Ravindran

For Respondent in Tr.CMP
No.28 of 2015
Petitioner in Tr.CMP
No.67 of 2015

: Mr.S.Sathish Rajan

COMMON ORDER

The petitioner in Tr.C.M.P.No.28 of 2015 initiated a proceedings in H.M.O.P.No.203 of 2012 before the Sub Court at Poonamallee, praying for a decree of divorce. The petitioner in Tr.C.M.P.No.67 of 2015, who was arrayed as respondent in H.M.O.P.No.203 of 2012, filed a proceedings in O.P.No.4846 of 2014 before the First Additional Family Court, Chennai, praying for a decree under Section 9 of Hindu Marriage Act, 1955. The petitioner in H.M.O.P.No.203 of 2012 has come up with the Transfer Petition in Tr.C.M.P.No.28 of 2015 seeking an order for transfer of proceedings in H.M.O.P.No.203 of 2012 from the file of Sub Court at Poonamallee to the file of First Additional Court at Chennai, for disposal along with O.P.No.4846 of 2014. Similarly, the petitioner in O.P.No.4846 of 2014 has filed Tr.C.M.P.No.67 of 2015 for withdrawal of proceedings in H.M.O.P.No.203 of 2012 from the file of Sub Court, Poonamallee and transfer the same to the file of First Additional Family Court at Chennai for disposal along with O.P.No.4846 of 2014.

2. Since identical prayers are made in both the Transfer Civil Miscellaneous Petitions, necessarily, the Transfer Civil Miscellaneous Petitions deserve to be allowed.

3. The proceedings in H.M.O.P.No.203 of 2012 is withdrawn from the file of Sub-Court, Poonamallee and is transferred to the file of First Additional Family Court, Chennai for disposal along with O.P.No.4846 of

2014.

4. Learned counsel for the petitioner in Tr.C.M.P.No.28 of 2015 submitted that the trial Court should be directed to dispense with the personal appearance of the petitioner taking into account his plea of pre-occupation.

5. In view of the said submission, liberty is given to the petitioner in Tr.C.M.P.No.28 of 2015 to make an application before the Trial Court to dispense with his personal appearance on the normal dates of hearing, subject to the condition that he would appear on all the effective dates of hearing and co-operate for an early disposal of the matter. In case, such an application is filed, the same shall be considered by the learned Trial Judge, taking into account the difficulties projected by the petitioner in Tr.C.M.P.No.28 of 2015.

6. The Transfer Civil Miscellaneous Petitions are disposed of with the above direction. No costs. Consequently, connected miscellaneous petition is closed.

02.11.2016

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K.K.SASIDHARAN, J.
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To

1. The Sub Court,
Poonamallee
2. The Family Court,
Chennai.

Tr. C.M.P.Nos.28 and 67 of 2015

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