

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.09.2016

CORAM:

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

Transfer C.M.P.No.367 of 2015

and M.P.No.1 of 2015

K.Rohini ... Petitioner/Respondent

Versus

J.Ashok Kumar ... Respondent/Petitioner

This Petition filed under Section 24 of C.P.C. praying to withdraw H.M.O.P.No.1247 of 2014 on the file of the Family Court Judge, Coimbatore and transfer the same to the file of the Family Court, Chennai, to be tried along with H.M.O.P.No.1176 of 2015.

For Petitioner : Mr.T.K.S.Bharathy Anandaraj
For Respondent : Mr.M.Sriram

O R D E R

The petitioner filed the Transfer Civil Miscellaneous Petition seeking withdrawal of the proceedings in H.M.O.P.No.1247 of 2014 from the Family Court, Coimbatore and to transfer the same to the Family Court, Chennai for disposal along with H.M.O.P.No.1176 of 2015.

2. Heard the learned counsel for the petitioner and the learned counsel for the respondent.

3. There are two proceedings pending between the parties. The respondent filed H.M.O.P.No.1247 of 2014 before the Family Court, Coimbatore, praying for a decree of divorce. The petitioner, on the other hand, filed H.M.O.P.No.1176 of 2015 for restitution of conjugal rights. The said matter is pending before the Family Court at Chennai.

4. According to the petitioner, it would not be possible for her to travel to Coimbatore and contest the proceedings in H.M.O.P.No.1247 of 2014. Since there are two proceedings pending before two Courts, i.e. one at Coimbatore and another one at Chennai, there is a possibility of passing contradictory orders in the very same subject matter.

5. The petitioner is stated to be a resident of Chennai. In view of the background facts, the petitioner has made out a case for transfer of the proceedings in H.M.O.P.No.1247 of 2014 from the Family Court, Coimbatore to the Family Court, Chennai.

6. In the result, the proceedings in H.M.O.P.No.1247 of 2014 is withdrawn from the Family Court, Coimbatore and is transferred to the II Additional Family Court, Chennai, for disposal along with H.M.O.P.No.1176 of 2015 and M.C.No.142 of 2015.

7. The Transfer Civil Miscellaneous Petition is allowed as indicated above. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Asst. Registrar.

/true copy/

Sub Asst. Registrar.

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To

1. The Family Court Judge,
Coimbatore.

2. The II Additional Family Court,
Chennai.

+1 CC to M/s. M. Sriram, Advocate Sr.No.53551

+1 CC to M/s. T.K.S. Bharathy Anandraj, Advocate Sr.No.53300

Transfer C.M.P.No.367 of 2015

RSK (CO)

MD : 18/10/2016