

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.09.2016

CORAM:

THE HONOURABLE MR. JUSTICE K.K.SASIDHARAN

Tr.CMP.No.151 of 2016
and CMP.No.3701 of 2016

M.Prema

.. Petitioner

vs.

J.John Kennedy

.. Respondent

Prayer: Transfer Petition filed under Section 24 of Civil Procedure Code, praying to withdraw FCOP. No.4078 of 2015 on the file of the III Additional Family Court, Chennai and transfer the same to the District Court, Nagercoil, to tried along with IDOP.No.46 of 2015.

For Petitioner : Mr.Krishna Prasad R

For Respondent : No Appearance

ORDER

The respondent in FCOP.No.4078 of 2015 on the file of the III Additional Family Court, Chennai, is the petitioner in this transfer petition.

2. The petitioner filed a petition in IDOP.No.46 of 2015 before the District Court, Nagercoil, praying for a decree of divorce. The respondent on the other hand filed a petition in FCOP.No.4078 of 2015 before the III Additional Family Court, Chennai, praying for a decree of restitution of conjugal rights. Both the proceedings are pending before the respective Courts.

3.The petitioner has come up with a prayer to withdraw the proceedings in FCOP.No. 4078 of 2015 before the III Additional Family Court, Chennai and transfer the same to the Court of District Judge, Nagercoil.

4. Heard the learned counsel appearing for the petitioner. None appears for the respondent inspite of printing his name in the causelist after service.

5. There are two proceedings pending before two different Courts. The divorce petition filed by the petitioner is pending before the District Court, Nagercoil. The proceedings initiated by the respondent for restitution of conjugal rights is pending before the III Additional Family Court, Chennai. In case, the matter is taken up by two Courts, there is a possibility of passing contradictory orders. I am therefore of the view that the proceedings in FCOP.No.4078 of 2015 requires to be transferred to the Court of District Judge, Nagercoil.

6. In the result, the proceedings in FCOP.No.4078 of 2015 is withdrawn from the file of III Additional Family Court, Chennai and is transferred to the file of Distict Court, Nagercoil, to be tried along with IDOP.No.46 of 2015, on merits.

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

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

ds

To

1. The District Judge
Nagarcoil.

2. The III Additional Family Court Judge,
Chennai.

1 cc to Mr.S.Annamalai, Advocate, sr.51385

Tr.CMP.No.151 of 2016

kk co, kra 17.10.2016