

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Date : 13.04.2016

CORAM

THE HONOURABLE MR. JUSTICE P.R.SHIVAKUMAR

Tr.C.M.P.No.156 of 2016

&

C.M.P.No.4266 of 2016

M.G.Preethi Petitioner

vs.

A.Suresh KumarRespondent

Transfer Civil Miscellaneous Petition filed under Section 24 of the Code of Civil Procedure to withdraw and transfer H.M.O.P No.3716 of 2015 from the file of II Additional Family Court, Chennai to the file of Subordinate Court, Poonamallee.

For Petitioner : Mr.S.Velmurugan

For Respondent : Mr.A.Suresh Kumar

O R D E R

The respondent has entered appearance through counsel. The submissions made by Mr.S.Velmurugan, learned counsel for the petitioner and by Mr.A.Suresh Kumar, learned counsel for the respondent are heard. Materials available are also perused.

2. This petition has been filed under Section 24 of the Code of Civil Procedure for the transfer of H.M.O.P.No.3716 of 2015 pending on the file of II Additional Family Court, Chennai to the file of Sub-Court, Poonamallee.

3. The wife is the petitioner herein and the husband is the respondent herein. The husband has filed the said H.M.O.P for restitution of conjugal rights. On the other hand, the wife filed H.M.O.P.No.510 of 2015 on the file of the Sub-Court, Poonamallee to declare the marriage held on 08.05.2015 between the petitioner and the respondent as null and void.

4.The transfer sought for is not only for the sake of convenience of the petitioner (wife), but also for having a joint trial of the petition filed for declaring the marriage to be null and void and the petition filed for restitution of conjugal rights. As both the petitions are interdependent, it is just and necessary that both the petitions are to be tried together. The

choice of jurisdiction by the petitioner/wife cannot be stated to be lacking in bonafide.

5. Hence, this petition is allowed and H.M.O.P.No.3716 of 2015 pending on the file of II Additional Family Court, Chennai is withdrawn from the said Court and transferred to the file of Sub-court, Poonamallee for being tried along with H.M.O.P.No.510 of 2015. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-

Asst.Registrar (CS III)

/true copy/

Sub Asst. Registrar

gpa

To

1. The Judge,
II Additional Family Court
Chennai

2.The Sub Judge,
Poonamallee

2 ccs to Mr.N. Venkateswaran, Advocate, Sr. 23094

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