

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 12.09.2016

CORAM:

THE HONOURABLE MR. JUSTICE K.K. SASIDHARAN

Tr.CMP.No.172 of 2016

&

C.M.P.No.4790 of 2016

R.Kalaiyarasi @ Sangeetha ...Petitioner

vs.

T.Sivashanmugam .. Respondent

Transfer Civil Miscellaneous Petition is filed under Section 24 of the Civil Procedure Code to withdraw the proceedings in H.M.O.P.No.3263 of 2014 on the file of the III Additional Family Court, Chennai and transfer the same to the Subordinate Court, Maduranthakam.

For Petitioner : Ms.Banumathy Baskaran

For Respondent : Mr.J.William Shakesphere

O R D E R

The respondent in H.M.O.P.No.3263 of 2014 on the file of the III Additional Family court, Chennai is the petitioner in this Transfer Civil Miscellaneous Petition.

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

3.The respondent initiated the proceedings in H.M.O.P.No.3263 of 2014 for dissolution of marriage before the III Additional Family Court, Chennai. The petitioner in the meantime filed a petition under Section 9 of the Hindu Marriage Act before the Sub-Court at Maduranthakam in H.M.O.P.No.52 of 2015. The petitioner has now come up with this transfer Civil Miscellaneous Petition to transfer the proceedings to the Sub-Court at Maduranthakam.

4. The learned counsel for the respondent submitted that the respondent is in favour of settling the matter and as such, a reference shall be made to the Mediation Centre.

5. It is open to the respondent to approach the trial Court with a request to send the matter for mediation. However that would not come in the way of considering the present petition for transfer.

6. There are two proceedings now pending before two Courts. The petition for dissolution of marriage is pending before the III Additional Family Court, Chennai and the proceedings initiated by the petitioner under Section 9 of the Hindu Marriage Act is pending before the Sub-Court, Maduranthakam. It would be in the interest of both the parties to have a disposal of the matters together by a learned Judge. The petitioner has produced sufficient materials to show that she is a resident of Maduranthakam and it would not be possible for her to defend the proceedings pending before the Family Court, Chennai.

In the result, transfer Civil Miscellaneous Petition is allowed. The proceedings in H.M.O.P.No.3263 of 2014 is withdrawn from the file of the III Additional Family Court, Chennai and transferred to the file of Subordinate Court at Maduranthakam for disposal on merits. No costs. Consequently, the connected miscellaneous petition is closed.

-s/d-

Assistant Registrar

True Copy

Sub-Assistant Registrar

gpa

To

1. III Additional Family Judge,
Chennai

2. The Subordinate Judge,
MaduranthakamTr.

+1 CC to Mr.J.William Shakesphere, Advocate Sr.No.51839

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MG(CO)
KP(22.10.2016)