

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.09.2016

CORAM:

THE HONOURABLE MR.JUSTICE K.K.SASIDHARAN

Transfer CMP No.743 of 2013 and

MP.No.1 of 2013

Azhagu Meena

...Petitioner

versus

Thiruvengadam

...Respondent

PRAYER: Tr.C.M.P. filed under section 24 of C.P.C., to withdraw the HMOP No.366 of 2013, now pending on the file of Sub-Court, Poonamallee and transfer the same to the file of First Additional Family Court, Chennai, where FCOP No.3165 of 2013 is pending.

For Petitioner : Mr.Auxilia Peter

For Respondent : Mr.M.Chidambaram

O R D E R

There are three proceedings pending before two courts. The divorce petition filed by the petitioner in FCOP No.3165 of 2013 is pending before the I Additional Family Court, Chennai. Similarly, the maintenance case filed by the petitioner in M.C.No.163 of 2013 is also pending before the I Additional Family Court, Chennai. The respondent, on the other hand filed a petition under Section 9 of the Hindu Marriage Act before Sub-Court, Poonamallee in HMOP No.366 of 2013. The petitioner filed this transfer petition with a request to transfer the proceedings pending before the Sub-Court, Poonamallee to the I Additional Family Court at Chennai for disposal along with other two pending proceedings.

2. The learned counsel for the petitioner submitted that subsequent to the initiation of this transfer petition, the petitioner moved out of Chennai and is presently residing within the jurisdiction of Sub-Court, Poonamallee. The learned counsel, therefore, wanted to transfer the proceedings in FCOP No.3165 of 2013 and M.C.No.163 of 2013 to Sub-Court at Poonamallee.

3. The proceedings in HMOP No.366 of 2013 filed by the respondent is pending on the file of Sub-Court, Poonamallee. The petitioner also wanted the matter to be transferred from Chennai to Poonamallee. I am therefore of the view that the transfer petition deserves to be allowed, of course, with modification with regard to the Trial Court.

4. The proceedings in FCOP No.3165 of 2013 and M.C.No.163 of 2013 are withdrawn from the file of I Additional Family Court, Chennai and are transferred to the file of Sub-Court, Poonamalle for disposal, along with HMOP No.366 of 2013.

5. The Transfer CMP is allowed as indicated above. No costs. Consequently, connected miscellaneous petition is closed.

-s/d-

Assistant Registrar

True Copy

Sub-Assistant Registrar

svki

To

1.The I Additional Judge
The I Additional Family Court, Chennai

2.The Subordinate Judge
The Sub-Court, Poonamallee

+1 cc to Mr.Auxilia Peter, Advocate sr 54756

+1 cc to Mr.M.Chidambaram Advocate sr 54109

सत्यमेव जयते

Transfer CMP No.743 of 2013

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