

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.09.2016

CORAM:

THE HONOURABLE MR.JUSTICE K.K.SASIDHARAN

Transfer CMP No.347 of 2016 and

CMP.No.9357 of 2016

Chakalakonda Rupadevi

...Petitioner

versus

Chakalakonda Sandilya Prachodhe

...Respondent

PRAYER: Tr.C.M.P. filed under section 24 of C.P.C., to transfer the FCOP No.190 of 2016, pending on the file of the Sub Court, Tambaram to be tried along with O.P.No.505 of 2016 on the file of the Principal Judge, Family Court, Chennai.

For Petitioner : Mr.G.Ravishankar
For Respondent : Mrs.S.P.Arthi

ORDER

The respondent in FCOP.No.190 of 2016, on the file of the Sub Court, Tambaram, is the petitioner in this transfer petition.

2. The petitioner filed O.P.No.505 of 2016, before the Family Court, Chennai, under Section 9 of the Hindu Marriage Act. On the other hand, respondent filed FCOP No.190 of 2016, before the Sub Court, Tambaram, praying for a decree of divorce. The petitioner, who is the respondent in FCOP.No.190 of 2016, seeks to transfer the proceedings to the file of the learned Principal Judge, Family Court, Chennai.

3. Learned counsel for the respondent submitted that the respondent has no serious objection in allowing the petition for transfer. Learned counsel further submits that liberty should be given to the respondent to appear before the Family Court, only on the effective dates of hearing.

4. The petitioner and the respondent are residing at Chennai. The proceedings in O.P.No.505 of 2016 is pending before the Principal Family Court, Chennai and the proceedings

in O.P.No.190 of 2016 is pending before the Sub Court, Tambaram.

5. There are two proceedings now pending before two different Courts. There is every possibility of giving contradictory findings in the very same subject matter, if these proceedings are allowed to be tried separately. It would be in the interest of both parties to transfer the matter for disposal to a particular Court. I am therefore of the view that the proceedings now pending before the Sub-Court at Tambaram can be transferred to the file of Principal Family Court at Chennai, to be tried along with O.P.No.505 of 2016 for disposal on merits.

6. The respondent is given liberty to make appropriate application before the Trial Court, to dispense with his personal appearance on condition that he would appear on all effective dates of hearing.

7. In the result, the proceedings in ECOP No.190 of 2016 is withdrawn from the file of Sub Court, Tambaram and is transferred to the file of Principal Judge, Family Court, Chennai, to be tried along with O.P.No.505 of 2016.

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

Sd/-
ASST. REGISTRAR

/TRUE COPY/

SUB ASST. REGISTRAR

smi

To

- 1.The Sub Court, Tambaram
- 2.The Family Court, Chennai.

+1 c.c. to MR.G.RAVISHANKAR, ADVOCATE SR.NO. 54165
+1 c.c. to MR.S.P. ARTHI, ADVOCATE SR.NO.55001

MMP 22.10.2016

Transfer CMP No.347 of 2016