

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.11.2016

CORAM:

THE HONOURABLE MR.JUSTICE K.K.SASIDHARAN

Tr.C.M.P.Nos.405 and 439 of 2016,

C.M.P.Nos.10825 and 11885 of 2016

Zehera Fathima ...Petitioner in both petitions

versus

J.Jaffar Khan ...Respondent in both petitions

PRAYER: Tr.Cmp.No.405 of 2016 filed under section 24 of C.P.C., to withdraw FCOP No.1 of 2016 on the file of Family Court, Chengalpattu and transfer the same to Family Court, Tiruvallur. Tr.Cmp.No.439 of 2016 filed under section 24 of C.P.C., to withdraw O.S.No.197 of 2014 on the file of District Munsif Court, Poonamallee and transfer the same to Family Court, Tiruvallur.

For Petitioner : Mr.M.Selvam
For Respondent : Mr.S.Parthasarathy

C O M M O N O R D E R

The respondent initiated a proceeding in FCOP No.1 of 2016 before the Family Court at Chengalpattu against the petitioner, praying for a decree of divorce. The petitioner, on the other hand, filed O.S.No.197 of 2014 before the District Munsif Court, Poonamallee, for restitution of conjugal rights. The petitioner has come up with these two transfer petitions for withdrawal of the proceedings from the respective courts and transfer the same to the Family Court at Tiruvallur.

2. When the transfer petitions were taken up for consideration, the learned counsel for the parties jointly submitted that it would be in the interest of both the parties to transfer the proceedings to the Sub-Court at Poonamallee.

3. The petitioner filed these transfer petitions with a prayer to transfer the proceedings to the Family Court at Tiruvallur. The present request is to transfer the proceedings to the Sub-Court at Poonamallee taking into account the distance between the residence of the petitioner and the respondent to

the Court at Tiruvallur. According to the parties, the nearest Court is the Sub-Court at Poonamallee. I am therefore of the view that the transfer petitions deserve to be allowed.

4. The proceedings in FCOP No.1 of 2016 and O.S.No.197 of 2014 are withdrawn from the file of Family Court, Chengalpattu and District Munsif Court, Poonamallee respectively and are transferred to the file of Sub-Court, Poonamallee for disposal.

5. The Transfer Civil Miscellaneous Petitions are allowed as indicated above. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar(CO)

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Sub Assistant Registrar

svki

To

- 1.The Judge, Family Court, Chengalpattu
- 2.The District Munsif Court, Poonamallee
- 3.The Judge, Family Court, Tiruvallur

+1cc to Mr.S. Parthasarathy, Advocate, S.R.No.62962

+2cc to Mr.M. Selvam, Advocate, S.R.No.63000

rj (CO)

md(25/11/2016)

सत्यमेव जयते

Tr.C.M.P.Nos.405 and 439 of 2016

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