

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.11.2016

CORAM :

The Hon'ble Mr.Justice K.K.Sasidharan

Transfer CMP No.514 of 2016

and

C.M.P.No.13744 of 2016

Mrs.A.Tameez

...Petitioner

versus

A.A.Ariff

...Respondent

PRAYER:

Transfer Civil Miscellaneous Petition filed under Section 24 of C.P.C., to withdraw the Suit in O.S.No.19 of 2016, pending on the file of the Principal Family Court, Coimbatore to III Additional Family Court, Chennai.

For Petitioner : M/s.Nirmaleswar  
For Respondent : M/s.V.Umashankari

O R D E R

The petitioner along with her minor children filed a Civil Suit, in O.S.No.144 of 2016, before III Additional Family Court, Chennai, praying for a decree of permanent injunction with respect to the Suit property. The respondent, thereafter, filed O.S.No.19 of 2016 before the Principal Family Court, Coimbatore, praying for a decree of restitution of conjugal rights and for other incidental reliefs. The petitioner is before this Court, seeking transfer of the proceedings in O.S.No.19 of 2016 from the file of the Principal Family Court, Coimbatore.

2. Heard the learned counsel appearing on behalf of the petitioner and the learned counsel for the respondent.

3. There are two proceedings now pending between the parties before two different Courts. The Suit in O.S.No.144 of 2016, filed by the petitioner along with her minor children is pending before III Additional Family Court, Chennai. The Suit in O.S.No.19 of 2016, is pending before the Principal Family Court, Coimbatore. The petitioner is residing at Ayanavaram, Chennai. The respondent is residing at Coimbatore. The dates and events would indicate that it was the petitioner, who filed the Civil Suit at the first instance before the Family Court, Chennai. It was only thereafter, the respondent filed O.S.No.19

of 2016, before the Principal Family Court, Coimbatore. There are certain common questions to be decided in both the Suits. I am, therefore, of the view that, it would be in the interest of both the parties, in case of one of such proceedings is transferred, so as to enable the transferee Court to dispose of the matter together.

4. The proceedings in O.S.No.19 of 2016 is withdrawn from the file of the Principal Family Court, Coimbatore, and is transferred to the file of III Additional Family Court, Chennai, for disposal along with O.S.No.144 of 2016.

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

Sd/-

ASST. REGISTRAR

/TRUE COPY/

SUB ASST. REGISTRAR

To

1. The Principal Family Court, Coimbatore.
2. The III Additional Family Court, Chennai.

+2 cc to M/S.NIRMALESWAR.T, ADVOCATE SR.NO. 68535

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