

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.10.2016

CORAM:

THE HON'BLE MR.JUSTICE K.K.SASIDHARAN

Tr.C.M.P.No.516 of 2016

and C.M.P.No.13882 of 2016

Hemamalini

... Petitioner

Versus

A.L.Narayanan

... Respondent

Transfer Civil Miscellaneous Petition filed under Section 24 of C.P.C. praying to withdraw the H.M.O.P.No.2247 of 2016 from the file of the Principal Judge, Family Court, Chennai and transfer the same to the file of the Family Court, Trichy to be tried along with the maintenance petition in M.C.No.36 of 2016 pending on the file of the District Family Court at Trichy.

For Petitioner : Mr.Jayakumar

For Respondent : M/s.Seema Kumari Maha
for M/s.T.K.S.Bharathy Anandraj

ORDER

The respondent in H.M.O.P.No.2247 of 2016 on the file of the Principal District Judge, Family Court, Chennai, is the petitioner in this Transfer Civil Miscellaneous Petition.

2. The respondent initiated proceedings in H.M.O.P.No.2247 of 2016 before the Family Court, Chennai, praying for a decree of divorce. The petitioner on the other hand initiated a maintenance case in M.C.No.36 of 2016 before the Family Court, Trichy.

3. The petitioner is a resident of Srirangam, Trichy. According to the petitioner, it would not be possible for her to defend the proceedings in H.M.O.P.No.2247 of 2016, which is now pending before the Family Court, Chennai. The petitioner therefore filed this petition for transfer.

4. The respondent filed a counter affidavit, wherein, it was indicated that he is working at Chennai and hence, it would be practically impossible for him to appear before the Family Court, Trichy, in case, the proceedings in H.M.O.P.No.2247 of 2016 is transferred to the said court.

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

<https://hcservices.ecourts.gov.in/hcservices/>

6. There are two proceedings now pending before two different Courts. In case, two proceedings involving a common question are allowed to be prosecuted in two different courts,

there is a possibility of passing contradictory orders in the very same subject matter. I am therefore of the view that the petitioner has made out a case for transfer.

7. The proceedings in H.M.O.P.No.2247 of 2016 is withdrawn from the file of Principal Judge, Family Court, Chennai and is transferred to the Family Court, Trichy, for disposal on merits along with M.C.No.36 of 2016.

8. The respondent is given liberty to file an application before the Trial Court to dispense with his personal appearance on the normal dates of hearing, subject to the condition that he would appear on all the effective dates of hearing and co-operate for an early disposal of the matter. In case, such an application is filed, the same shall be considered by the learned Trial Judge, taking into account the employment of the respondent at Chennai.

9. The Transfer Civil Miscellaneous petition is allowed as indicated above. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Asst.Registrar

/true copy/

Sub Asst. Registrar

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To

1. The Principal Judge, Family Court, Chennai.

2.The Family Court, Trichy.

+1cc tp M/s T.K.S.BHARATHY ANANDRAJ, Advocate Sr.59240

Tr.C.M.P.No.516 of 2016

LRS (CO)
RVR 14/11/2016

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