

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.11.2016

CORAM:

THE HONOURABLE MR.JUSTICE K.K.SASIDHARAN

Transfer CMP No.572 of 2016 and

CMP.No.15656 of 2016

V.Illavarasi

...Petitioner

versus

M.Ilamugil

...Respondent

PRAYER: Tr.C.M.P. filed under Section 24 of C.P.C., to withdraw OP.No.3659 of 2012 on the file of II Additional Family Court, Chennai and transfer the same to the Principal Family Court, Chennai.

For Petitioner : Mr.N.Ravishankar Vallatharasu
For Respondent : No appearance

O R D E R

The petitioner initiated proceedings under Section 9 of the Hindu Marriage Act before the II Additional Family Court, Chennai. The original petition was opposed by the respondent by filing counter, wherein, it was indicated that he has already obtained a decree of divorce in HMOP No.771 of 2010 from the Principal Family Court, Chennai. The petitioner, immediately, thereafter, filed an application to set aside the ex parte decree. The petitioner has now come up with this petition to transfer the proceedings in O.P.No.3659 of 2012 to the file of Principal Family Court at Chennai for disposal along with interlocutory application in HMOP No.771 of 2010.

2. Heard the learned counsel for the petitioner. None appears on behalf of the respondent, in spite of printing his name in the cause list after service.

3. The petitioner filed O.P.No.3659 of 2012 before the II Additional Family Court, Chennai. The original proceedings filed by the respondent in HMOP No.771 of 2010 has already been allowed by the Trial Court ex parte. The petitioner has filed two applications before the Trial Court to set aside the ex parte decree after condoning the delay.

4. The petitioner is justified in filing this petition for transfer on the ground that it would be in the interest of both the parties to take both the pending proceedings by the Principal Family Court at Chennai. I am therefore of the view that the transfer petition deserves to be allowed.

5. The proceedings in O.P.No.3659 of 2012 is withdrawn from the file of II Additional Family Court, Chennai and is transferred to the file of Principal Family Court, Chennai, for disposal on merits.

6. The Transfer Civil Miscellaneous Petition 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 II Additional Family Court, Chennai

2.The Principal Family Court, Chennai

+1 cc to Mr.N.Ravishankar vallatharasu Advocate sr 63053

Transfer CMP No.572 of 2016

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