

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16.11.2016

CORAM:

THE HONOURABLE MR.JUSTICE K.K.SASIDHARAN

TR CMP NO.641 OF 2016

AND CMP NO.17075 OF 2016

K.Rajesh Kannan ... Petitioner/Respondent

Versus

Revathy. L ... Respondent/Petitioner

PRAYER: Petition filed under Section 24 of the Code of Civil Procedure with a prayer to withdraw and transfer the H.M.O.P.No.1929 of 2016 on the file of the Learned I Additional Family Court, Chennai to Court of Sub-Judge, Tambaram for joint trial with the case in H.M.O.P.No.596 of 2015.

For Petitioner : Mr.V.Pavel

For Respondent : Mr.V.Manisekaran

O R D E R

The petitioner initiated a proceedings in H.M.O.P.No.596 of 2015 before the Subordinate Court, Tambaram, praying for a decree of divorce.

2. The respondent, on the other hand, initiated a proceedings in H.M.O.P.No.1929 of 2016, before the I Additional Family Court, Chennai, praying for a decree under Section 9 of the Hindu Marriage Act, 1955.

3. The petitioner has come up with this petition praying for an order of transfer of the proceedings in H.M.O.P.No.1929 of 2016 to the file of Subordinate Court, Tambaram, for disposal along with H.M.O.P.No.596 of 2015.

4. The learned counsel for the petitioner contended that the petitioner is a resident of Valasaravakkam, Chennai. According to the learned counsel, it was only after the initiation of proceedings in H.M.O.P.No.596 of 2015, the respondent filed the proceedings in H.M.O.P.No.1929 of 2016 and

as such, the subsequent proceedings requires to be transferred.

5. The learned counsel for the respondent on the other hand submitted that both the parties are residing at Chennai and as such, there is no need to transfer the proceedings. According to the learned counsel, it would be in the interest of both the parties, in case the proceedings in H.M.O.P.No.596 of 2015 is transferred from Subordinate Court, Tambaram to the First Additional Family Court, Chennai.

6. There are two proceedings pending before two different Courts. The petitioner and the respondent are residents of Chennai. There is no question of transferring the proceedings from the file of First Additional Family Court, Chennai to the Subordinate Court at Tambaram, in view of the residence of the petitioner and the respondent at Chennai.

7. Since the petitioner and the respondent are residing at Chennai and taking into the account the situation of the Family Court, I am of the view that the proceedings pending before the Subordinate Court at Tambaram deserves to be transferred to the file of First Additional Family Court at Chennai.

8. The proceedings in H.M.O.P.No.596 of 2015 is withdrawn from the file of Subordinate Court, Tambaram, and is transferred to the file of First Additional Family Court, Chennai, for disposal along with H.M.O.P.No.1929 of 2016.

9. The learned First Additional Judge, Family Court, Chennai is directed to dispose of both the matters together, as expeditiously as possible.

10. The Transfer Civil Miscellaneous Petition is disposed of with the above observation. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

TK

To

1.The Subordinate Court  
Tambaram.

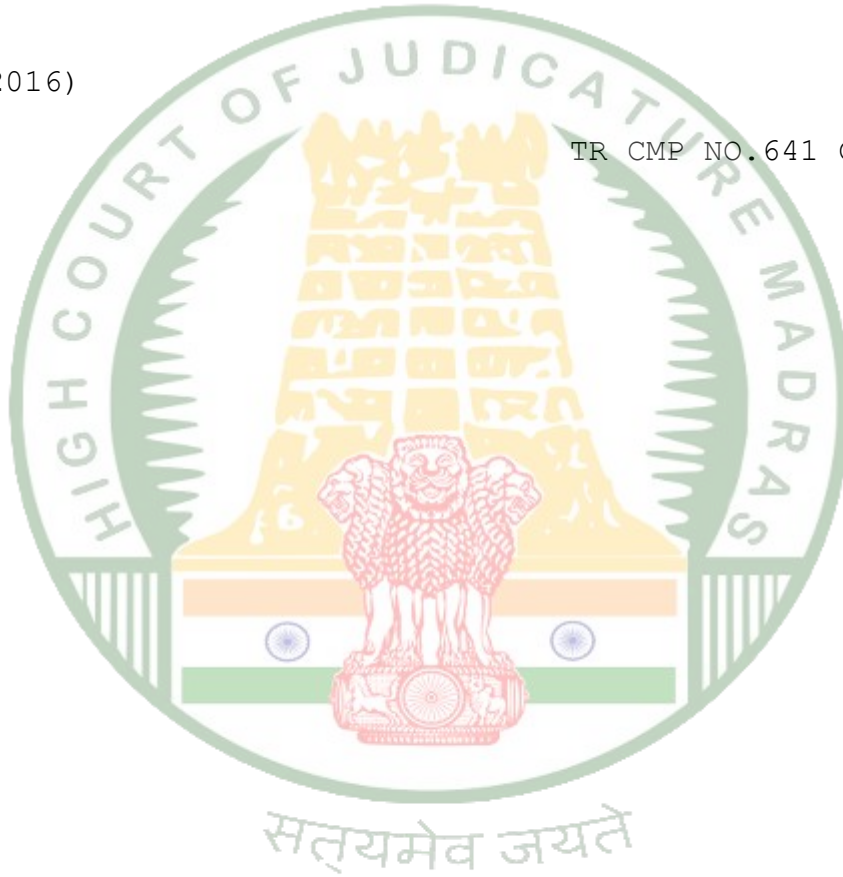
2.The I Additional Family Court  
Chennai.

+lcc to Mr.V. Pavel, Advocate, S.R.No.66056

+lcc to Mr.V. Manisekaran, Advocate, S.R.No.66346

gj (CO)  
md(29/12/2016)

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