

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.12.2016

CORAM:

THE HONOURABLE MR.JUSTICE K.K.SASIDHARAN

Transfer CMP No.642 of 2016

and

C.M.P.No.17087 of 2016

N.ParamasivamPetitioner

versus

N.VasukiRespondent

PRAYER: Tr.C.M.P. filed under section 24 of C.P.C., to withdraw O.S.No.249 of 2015, pending on the file of the Principal District Munsif, Salem and transfer the same to the file of the Family Court, Salem to be tried along with M.C.No.14/2015 pending before the Family Court, Salem.

For Petitioner : Dr.P.Jagadeesan
For Respondent : No appearance

O R D E R

The petitioner herein filed a suit in O.S.No.249 of 2015, before the Principal District Munsif Court, Salem praying for a decree of declaration that the respondent is not his legally wedded wife. Thereafter, the respondent filed M.C.No.14 of 2015, before the family Court, Salem claiming maintenance. The petitioner is before this Court with a request to transfer the civil suit filed by him to the Family Court, Salem for disposal along with M.C.No.14 of 2015.

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

3. There is no dispute that two proceedings are now pending before two different Courts. The proceedings initiated by the petitioner is now pending before the Principal District Munsif Court, Salem. The maintenance proceedings initiated by the respondent is pending before the Family Court, Salem. 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 matters together.

4. In the result, the proceedings in O.S.No.249 of 2015 is withdrawn from the file of Principal District Munsif Court, Salem and is transferred to the file of the Family Court, Salem for disposal along with M.C.No.14 of 2015.

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

Sd/
Assistant Registrar

/True copy/

Sub Assistant Registrar

To

- 1.The Principal District Munsif Court, Salem
- 2.The Family Court, Salem.

+1cc to Mr.Jagadeesan, Advocate SR.No.71149

SDR 29.12.2016

Transfer CMP No.642 of 2016

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