

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:14.12.2016

CORAM:

THE HONOURABLE MRS. JUSTICE PUSHPA SATHYANARAYANA

Tr.C.M.P.Nos.757 and 758 of 2016

and C.M.P.No.19442 of 2016

D.Thilagavathy ... Petitioner in both Tr.C.M.Ps

Vs.

E.Raja ... Respondent in both Tr.C.M.Ps

Petitions filed under Section 24 of the Civil Procedure Code praying to transfer the H.M.O.P.No.1022 of 2013 and H.M.O.P.No.43 of 2016 pending on the file of the II Additional Family Court, Chennai and to transfer the same to the file any other Family Court, Chennai.

For Petitioner : Mr.S.N.Ravikumar

O R D E R

These Transfer civil miscellaneous petitions are filed by the petitioner-wife. The respondent-husband has filed a petition in H.M.O.P.No.1022 of 2013, which is pending on the file of the II Additional Family Court, Chennai, in which, counter has been filed by the petitioner-wife. The wife has also filed a petition in H.M.O.P.No.43 of 2016 under Section 9 of the Hindu Marriage Act, which is also pending before the same Court. The said H.M.O.P No.43 of 2016 is filed three years after the divorce petition has been filed. The wife also seems to have filed a complaint in C.C.No.5696 of 2014 pending on the file of the XVIII Metropolitan Magistrate, Saidapet. There is also another case filed by the wife in D.V.C.No.5 of 2013 pending on the file of the Judicial Magistrate, Ambattur. At this stage, the wife has filed a petition in I.A.No.705 of 2016 in H.M.O.P.No.1022 of 2013 claiming maintenance from the respondent-husband.

2. Admittedly, proof affidavit has been filed by the husband. Instead of cooperating for the disposal of H.M.O.Ps, the wife has come with this transfer petition. The only allegation is that without passing an order in the maintenance petition, O.Ps. cannot be proceeded with.

3. From the above facts, the conduct and the attitude of the wife is that she does not want to give a quietus to the proceedings, instead, she is only trying to drag on the same. As admittedly, the interlocutory application is pending for interim maintenance, a direction is given to the learned II Additional Judge, Family Court, Chennai to try both the H.M.O.P.No.1022 of 2013 and H.M.O.P.No.43 of 2016 along with I.A.No.705 of 2016 on or before 31.03.2017. No further extension of time shall be granted. The parties are directed to cooperate for the disposal of the proceedings.

4. With the above direction, these Transfer miscellaneous petitions are closed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

srn

To

1. The II Additional Family Court, Chennai

+lcc to Mr.S.N. Ravikumar, Advocate, S.R.No.72778

sk(CO)
md(09/01/2017)

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