

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Date : 13.04.2016

CORAM

THE HONOURABLE MR. JUSTICE P.R.SHIVAKUMAR

Tr.C.M.P.No.90 of 2016

&

C.M.P.No.2040 of 2016

Sathyanayagi

... Petitioner

vs.

N.Sooraj

...Respondent

Transfer Civil Miscellaneous Petition filed under Section 24 of the Code of Civil Procedure to withdraw H.M.O.P.No.2312 of 2015 pending on the file of I Additional Family Court, Chennai and transfer it to Sub-Court, Tambaram to be tried along with H.M.O.P.No.415 of 2014.

For Petitioner : Mr.M.Prabhakaran

O R D E R

This petition has been filed under Section 24 of the Code of Civil Procedure for the transfer of H.M.O.P.No.2312 of 2015 pending on the file of I Additional Family Court, Chennai to the Sub-Court, Tambaram.

2. The wife is the petitioner herein and the husband is the respondent herein. The husband has filed the said H.M.O.P for restitution of conjugal rights. On the other hand, the wife filed H.M.O.P.No.415 of 2014 on the file of the Sub-Court, Tambaram for divorce.

3. Though the respondent has been served with notice privately and his name has been printed in the cause list, he has not chosen to enter appearance to oppose this petition.

4.The transfer sought for is not only for the sake of convenience of the petitioner (wife), but also for having a joint trial of the divorce original petition and the original petition filed for restitution of conjugal rights. As both the petitions are interdependent, it is just and necessary that both the petitions are to be tried together. The choice of jurisdiction by the petitioner/wife cannot be stated to be lacking in bonafide.

5. Hence, this petition is allowed and H.M.O.P.No.2312 of 2015 pending on the file of I Additional Family Court, Chennai is withdrawn from the said Court and transferred to the file of Sub-court, Tambaram for being tried along with H.M.O.P.No.415 of 2014. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

To

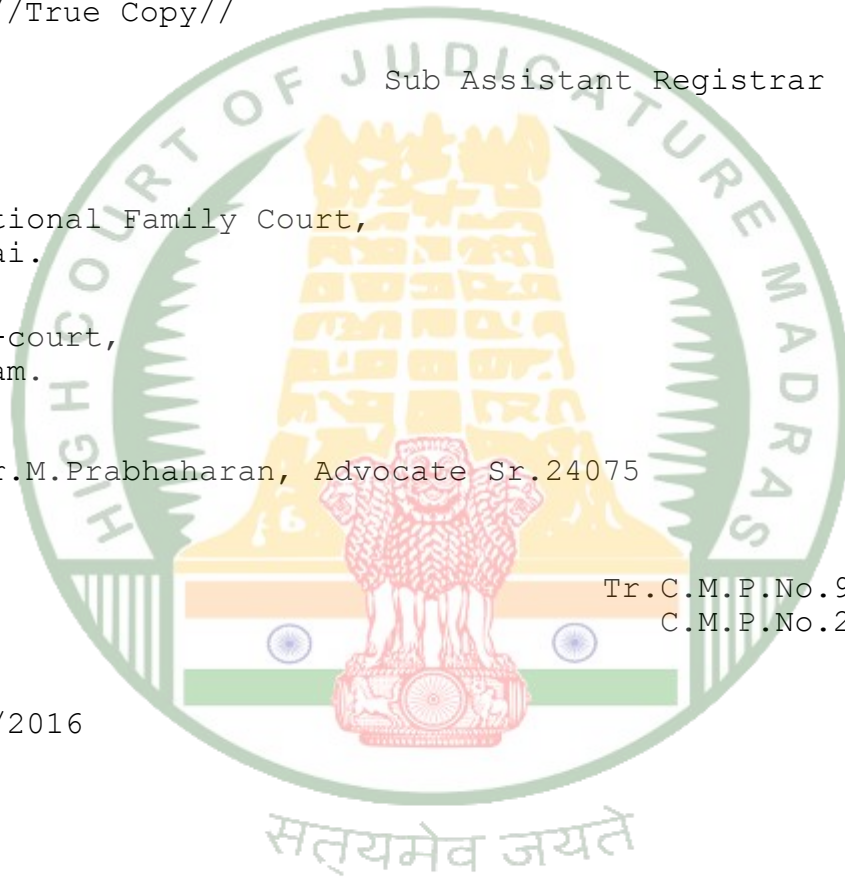
1. I Additional Family Court,
Chennai.

2.The Sub-court,
Tambaram.

+1cc to Mr.M.Prabhakaran, Advocate Sr.24075

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