

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.12.2017

CORAM

THE HONOURABLE MRS. JUSTICE PUSHPA SATHYANARAYANA

Tr.CMP.No.120 of 2014

B.Sankari

...Petitioner

Versus

A.Selvaraj

...Respondent

Transfer Civil Miscellaneous Petition filed to withdraw O.P.No.99 of 2013 pending on the file of the I Additional Sub Court, Villupuram and transfer the same to the file of the II Additional Family Court, Chennai where O.P.No.1807 of 2013 is pending for joint trial.

For Petitioner : Mr.R.Varadharaj

For Respondent : Mr.P.Saravanan

ORDER

The wife in the matrimonial proceedings, has preferred the above Tr.C.M.P.No.120 of 2014 seeking for transfer of O.P.No.99 of 2013 filed by the respondent herein from the file of I Additional Sub Court, Villupuram to the file of II Additional Family Court, Chennai to be try along with O.P.No.1807 of 2013 pending.

2. O.P.No.99 of 2013 is filed by the husband on the file of I Additional Sub Court, Villupuram, for Restitution of Conjugal Rights whereas O.P.No.1807 of 2013 on the file of II Additional Family Court, Chennai, was filed by the wife for divorce.

3. In Paragraph 7 of the affidavit filed in support of this petition, it is stated that the wife is living in Chennai and she is also employed. Further it is stated that the respondent/husband has been attending all the hearings before the Family Court, Chennai contesting the divorce petition filed by the petitioner/wife. As both the petitioner and the respondent have filed two different proceedings in two different places, in order to avoid conflicting Judgments, it would be appropriate to try both the proceedings together in a same place.

4. Considering the averments made in the affidavit filed in support of this petition and the fact that Section 19(iii-a) of the Hindu Marriage Act, gives preference for the wife in respect of the place where she resides, this Court feels it is appropriate to withdraw O.P.No.99 of 2013 pending on the file of I Additional Sub Court, Villupuram and transfer the same to the file of II Additional Family Court, Chennai to try along with O.P.No.1807 of 2013 .

5. Accordingly, the Transfer Civil Miscellaneous Petition is allowed and O.P.No.99 of 2013 pending on the file of I Additional Sub Court, Villupuram is to be withdrawn and transferred to the file of II Additional Family Court, Chennai to tried along with O.P.No.1807 of 2013. No costs.

13.12.2017

Speaking / Non-speaking Order

Internet : Yes/No

Index : Yes/No

raja

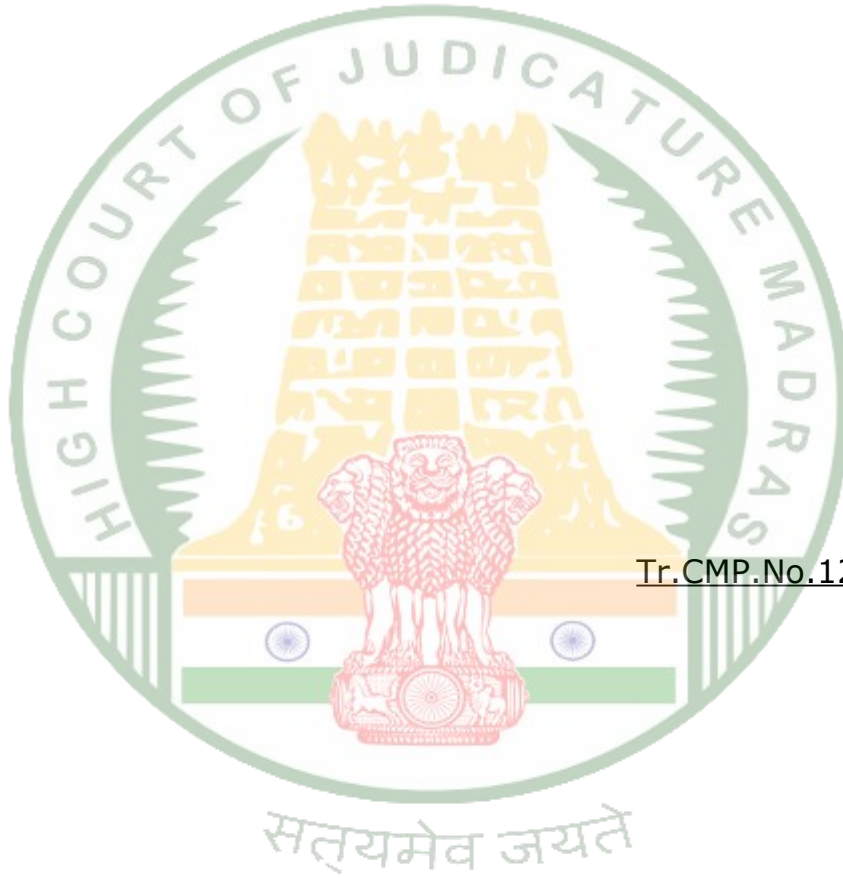
To

1. I Additional Sub Court,
Villupuram
2. II Additional Family Court,
Chennai.

WEB COPY

PUSHPA SATHYANARAYANA, J.

raja



Tr.CMP.No.120 of 2014

WEB COPY

13.12.2017

(1/2)

C.M.P.No.20889 of 2017
in
Tr.CMP.No.120 of 2014

PUSHPA SATHYANARAYANA, J.

This petition is filed to restore the Tr.CMP.No.120 of 2014 by setting aside the exparte dismissal order dated 07.02.2017.

2. Heard the learned counsel for the petitioner.

3. Being satisfied with the reasons stated in the affidavit filed in support of the petition, this petition is allowed.

13.12.2017

(2/2)

raja

WEB COPY