

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.06.2017

CORAM :

THE HONOURABLE Ms. JUSTICE V.M.VELUMANI

Tr.C.M.P. No.112 of 2017
and C.M.P.No.1777 of 2017

M.Durgadevi

... Petitioner

Vs.

K.Siva

... Respondent

Prayer:- Petition has been filed under Section 24 of C.P.C., to withdraw F.C.O.P.No.4737 of 2016 pending on the file the Principal Family court, Chennai and transfer the same to be tried jointly with H.M.O.P.No.607 of 2016 on the file of Sub Court, Poonamallee, Tiruvallur District.

For Petitioner : Mr.K.Balasubramaniam
For Respondent : Mr.M.A.R.Prakash

O R D E R

This petition is filed to withdraw F.C.O.P.No.4737 of 2016 from the file of the Principal Family Court, Chennai and to transfer the same to the file of the Sub Court, Poonamallee, Tiruvallur District, and to try along with H.M.O.P.No.607 of 2016 pending on its file.

2. Heard the learned counsel appearing for the petitioner and the learned counsel appearing for the respondent.

3. Learned counsel for the petitioner submitted that the respondent filed F.C.O.P.No.4737 of 2016 for restitution of conjugal rights on the file of the Principal Family Court, Chennai. The petitioner has filed H.M.O.P.No.607 of 2016 for divorce against the respondent, on the file of the Sub Court, Poonamallee, Tiruvallur District. Therefore, she prays for transfer the case in F.C.O.P.No.4737 of 2016 pending from the file of the Principal Family Court, Chennai, to the file of the Sub Court, Poonamallee, Tiruvallur District and to try along with H.M.O.P.No.607 of 2016 pending on its file.

4. The learned counsel appearing for the respondent has no objection to transfer the F.C.O.P.No.4737 of 2016 pending on the file of Principal Family Court, Chennai, to the file of Sub Court, Poonamallee, Tiruvallur District and made an endorsement to that effect.

5. In view of the submission and endorsement so made by the learned counsel for the respondent, this petition is ordered. Accordingly, the petition in F.C.O.P.No.4737 of 2016 pending on the file of Principal Family Court, Chennai, is ordered to be withdrawn and transferred to the file of Sub Court, Poonamallee, Tiruvallur District and to be tried along with H.M.O.P.No.607 of 2016. The Principal Family Court, Chennai, is directed to transmit all the records pertaining to F.C.O.P.No.4737 of 2016 to the file of Sub Court, Poonamallee, Tiruvallur District, within a period of two weeks from the date of receipt of a copy of this order.

6. Accordingly, the Transfer Civil Miscellaneous Petition is ordered. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

jv

To

1. The Presiding Officer, Principal Family Court,
Chennai

2.The Sub Judge, Poonamallee,
Tiruvallur District.

+ 1 cc to M/s. K. Balasubramaniam, Advocate Sr.45817

सत्यमेव जयते

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CP(CO)
EU 27.7.17

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