

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.11.2017

CORAM :

THE HONOURABLE Mrs. JUSTICE PUSHPA SATHYANARAYANA

Tr.C.M.P.No.151 of 2017
and C.M.P.No.2701 of 2017

K. Geetha

... Petitioner

vs.

K.L. Rajaganapathy

... Respondent

Prayer: This transfer petition has been filed under Section 24 of C.P.C. praying to withdraw H.M.O.P.No.32 of 2016 from the file of Family Court, Thiruvallur, and transfer the same to the file of Principal Family Court at Chennai to be tried along with O.P.No.2761 of 2016.

For Petitioner : Mr.G.Appavu
For Respondent : Mr.V.M.Venkatramana

O R D E R

The petitioner/wife has seeking transfer of H.M.O.P.No.32 of 2016, pending on the file of Family Court, Thiruvallur, filed by the respondent/husband under Section 13(i)(a) of the Hindu Marriage Act, for dissolution of marriage held between the petitioner and the respondent on 15.05.2011 to the file of Principal Family Court, Chennai to be tried along with H.M.O.P.No.2761 of 2016, filed by the petitioner/wife under Section 9 of the Hindu Marriage Act, before the Principal Judge, Family Court, Chennai for restitution of conjugal rights.

2. The petitioner/wife has expressed her difficulty in Paragraph 3 and 4 of the affidavit filed in support of the petition.

3. Heard the learned counsel for the petitioner as well as learned counsel for the respondent.

4. As the O.P. filed by the respondent/husband is for divorce and the O.P. filed by the petitioner/wife is for restitution of conjugal rights, in order to avoid any conflict in decision, it would be appropriate to direct joint trial of both the cases.

5. Considering Section 19(iii-a) of the Hindu Marriage Act, which speaks about the convenience of the wife is paramount, this Court is inclined to transfer H.M.O.P.No.32 of 2016 from the file of Family Court, Thiruvallur to the file of Principal Family Court, Chennai. As the wife is residing in Chennai, it will be convenient for her to appear in both the matters together.

6. Accordingly, the Transfer Civil Miscellaneous Petition is allowed and H.M.O.P.No.32 of 2016, pending on the file of Family Court, Thiruvallur shall stand withdrawn and transferred to the file of Principal Family Court, Chennai to be tried along with H.M.O.P.No.2761 of 2016. No Costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS IX)

//True Copy//

Sub Assistant Registrar

rsi

To

1. The Judge,
Family Court, Thiruvallore
2. The Principal Judge,
Family Court, Chennai.

+1 cc to Mr.G.Appavu Advocate sr 77315

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