

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.10.2017

C O R A M

THE HONOURABLE Mrs.JUSTICE PUSHPA SATHYANARAYANA

Tr.C.M.P.No.308 of 2017
and C.M.P.No.5834 of 2017

G.Suresh Kumar

.. Petitioner

-Vs-

S.Ishwarya

.. Respondent

Transfer Civil Miscellaneous Petition filed under Section 24 of C.P.C praying to withdraw and transfer H.M.O.P.No.603 of 2015 pending on the file of the Sub Court, Tambaram to the file of the I Additional Family Court at Chennai.

For petitioner ... Mr.P.M.Ramana Moorthy

For Respondent ... Served-No Appearance

O R D E R

The husband in a matrimonial dispute is the petitioner herein seeking transfer of H.M.O.P.No.603 of 2015 pending on the file of the Sub Court, Tambaram to the I Additional Family Court, Chennai.

2. The petitioner / husband has filed H.M.O.P.No.497 of 2017 on the file of the I Additional Family Court, Chennai for restitution of conjugal rights. The respondent/wife has filed H.M.O.P.No.603 of 2015 before the Sub Court, Tambaram for divorce. Though the respondent/wife has filed the O.P. in the year 2015, the husband has sought for transfer of the same after filing the restitution petition in the year 2017 on the file of the Family Court, Chennai. He has not expressed any difficulty for the last two years. It is stated that both the parties are living in Chennai within the jurisdiction of the Family Court, Chennai. .

3. The respondent could not be heard, as she has not appeared in person or through counsel, despite the fact that the notice in this Tr.C.M.P has been served on her as early as on 02.06.2017.

4. As both the parties have asked for different reliefs before two different courts, unless they are tried together, there is a risk of inviting conflict decisions between the parties.

5. Hence, considering the fact that separate trial of these two H.M.O.Ps may lead to conflict of decisions, this Court is inclined to transfer the H.M.O.P.No.603 of 2015 from Tambaram to Chennai.

6. Accordingly, Tr.C.M.P is allowed and H.M.O.P.No.603 of 2015 pending on the file of the Subordinate Court, Tambaram, shall stand withdrawn and same is transferred to the file of the I Additional Family Court, Chennai, to be tried along with H.M.O.P.No.497 of 2017. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

srn

To

1. The Subordinate Judge, Tambaram
2. The I Additional Family Judge, Chennai.

GN(06/11/2017)

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