

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.02.2017

C O R A M

THE HONOURABLE Mrs.JUSTICE PUSHPA SATHYANARAYANA

Tr.C.M.P.No.738 of 2014
and M.P.No.1 of 2014

K.G.Manohar

.. Petitioner

-Vs.-

P.Selvakumari

.. Respondent

Transfer Civil Miscellaneous Petition filed under Section 24 of C.P.C praying to withdraw and transfer the F.C.O.P.No.359 of 2014 from Family Court at Salem to try along with the H.M.O.P.No.76 of 2013 pending before the Subordinate Judge, Thiruvallur.

For petitioner ... Mr.R.Karunagaran

For Respondent ... No Appearance

O R D E R

This transfer petition is filed by the petitioner-husband in a matrimonial dispute to transfer the F.C.O.P.No.359 of 2014 pending on the file of the Family Court, Salem, to be tried along with H.M.O.P.No.76 of 2013 pending before the Subordinate Court, Thiruvallur.

2. Though the respondent had been served with notice and her name having been printed in the cause list, there is no representation for the respondent either in person or through counsel.

3. It is stated that, earlier the respondent-wife had filed Tr.C.M.P.No.795 of 2013 before this Court to transfer the H.M.O.P.No.76 of 2013 pending on the file of the Subordinate Court, Tiruvallur to the file of the Family Court, Salem. By virtue of order dated 21.03.2014, this Court had dismissed the Tr.C.M.P, directing the husband to pay a sum of Rs.5,000/- to the wife to enable her to attend the Court at Thiruvallur for each and every hearing. While so, subsequent to the said order, it is stated that the wife has filed F.C.O.P.No.359 of 2014 on the file of the Family Court, Salem for restitution of conjugal

rights. As the respondent-wife is attending the hearings before the Sub Court, Thiruvallur for H.M.O.P.No.76 of 2013, the petitioner-husband has filed the above transfer C.M.P to transfer the F.C.O.P.No.359 of 2014 pending on the file of the Family Court Salem also, to be tried along with H.M.O.P.No.76 of 2013 pending on the file of the Sub Court, Thiruvallur. The O.Ps are to be tried together to avoid conflict of decisions and multiplicity of proceedings. Already, the attempt made by the wife to transfer the H.M.O.P.No.76 of 2013 filed by the husband was refused, this Court is inclined to transfer the F.C.O.P.No.359 of 2014 from the file of the Family Court, Salem and it shall stand withdrawn and transferred to the Sub Court, Thiruvallur, to be tried along with H.M.O.P.No.76 of 2013.

4. Accordingly, the Tr.C.M.P is allowed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

srn

To

1. The Family Court Judge, Salem
2. The Subordinate Judge, Thiruvallur

Tr.C.M.P.No.738 of 2014
and M.P.No.1 of 2014

KGK(CO)
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