

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01.11.2017

C O R A M

THE HONOURABLE Mrs.JUSTICE PUSHPA SATHYANARAYANA

Tr.C.M.P.No.348 of 2015
and M.P.No.1 of 2015

Krishnasamy Ramesh

.. Petitioner

-Vs-

Smt.Subramanian Artheeswari

.. Respondent

Transfer Civil Miscellaneous Petition filed under Section 24 of C.P.C praying to withdraw H.M.O.P.No.97 of 2014 pending on the file of the Family Court, Villupuram and transfer the same to the Family Court, Chennai for joint trial with O.S.No.68 of 2013 pending on the file of the I Additional Family Court, Chennai.

For petitioner... Mr.R.Kirubakaran
For Respondent... Served - No appearance

O R D E R

The husband in a matrimonial proceedings, is the petitioner herein, seeking transfer of H.M.O.P.No.97 of 2014 pending on the file of the Family Court, Villupuram to the Family Court, Chennai to be tried along with O.S.No.68 of 2013 pending on the file of the I Additional Family Court, Chennai.

2. It appears from the records that O.S.No.68 of 2013 has been filed by the petitioner-husband on the file of the I Additional Family Court, Chennai for cancellation of sale deed and for permanent injunction.

3. The petitioner/husband had filed H.M.O.P.No.97 of 2014 under Section 13(1) (i-a) of the Hindu Marriage Act on the file of the Family Court, Villupuram, for divorce.

4. Though notice has been served on the respondent-wife, she has not appeared either in person or through counsel.

5. It is stated that both the O.P and suit are pending till today. It is the contention of the learned counsel for the petitioner that from the year 2013, the respondent-wife has been appearing in the Family Court for defending the case in O.S.No.68 of 2013. The divorce O.P was filed in Family Court,

Villupuram by the husband, as only Villupuram District had the jurisdiction.

6. As the disputes in both the proceedings are between the same parties and as the matrimonial as well as property disputes can be resolved together, the petitioner has come up with the above transfer petition seeking transfer of H.M.O.P.No.97 of 2014 pending on the file of the Family Court, Villupuram to the I Additional Family Court, Chennai to be tried along with O.S.No.68 of 2013, which is already pending.

7. Considering the averments made in the affidavit and also in order to avoid any conflict of decisions and to save time, this Court is inclined to order the transfer as prayed for. As the wife has already been prosecuting the case in Chennai, she may not have any serious objection in allowing this petition. She has also not appeared before this Court despite service of notice on her.

8. Accordingly, the transfer Civil Miscellaneous Petition is allowed and H.M.O.P.No.97 of 2014 pending on the file of the Family Court, Villupuram shall stand withdrawn and transferred to the file of the I Additional Family Court, Chennai, to be tried along with O.S.No.68 of 2013. No costs. Consequently, connected miscellaneous petition is closed.

-s/d-

Assistant Registrar (CS-IV)

True Copy

Sub-Assistant Registrar

srn

To

1. The Judge, Family Court, Villupuram
2. The I Additional Judge, Family Court, Chennai.

+1 CC to Mr.R.S. Kirubakaran, Advocate sr 77292.

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SP(16/11/2017)